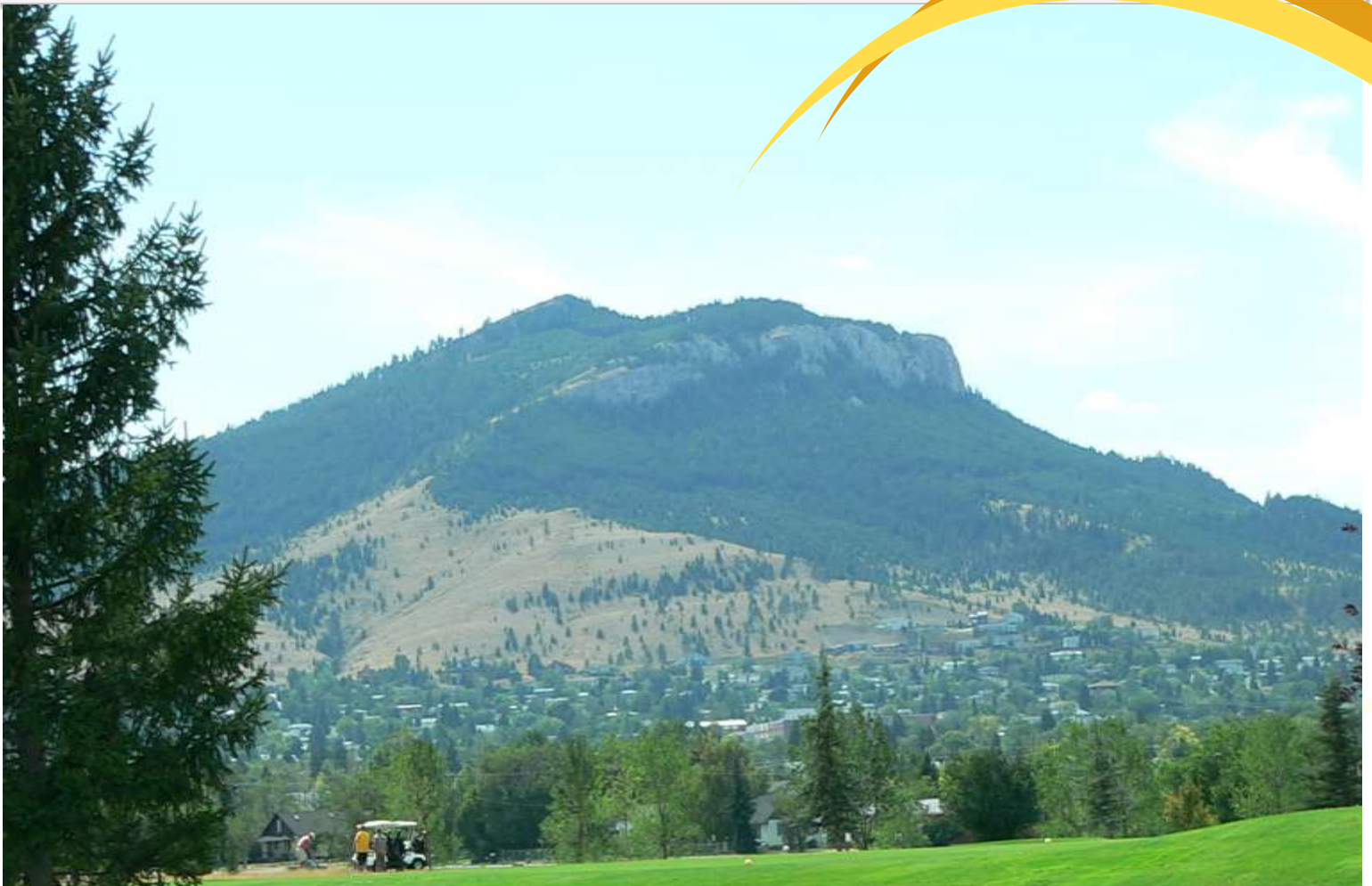


Personnel Policies Handbook



City of Helena

Revised: November 2016

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City of Helena

Welcome to the City of Helena family!

The Personnel Policies Handbook provides employees with general information on procedures, conduct and conditions of employment and is a tool to help supervisors administer City Personnel Policies.

The effectiveness of City government is determined by the attitudes and performance of City employees. Our primary responsibility, as City employees, is to serve the citizens of Helena efficiently, courteously and promptly.

This handbook may not cover every condition of employment or satisfy every employee's need. When problems arise in employment situations it is my responsibility, along with supervisors and the Human Resource Office, to resolve them in the best interest of all concerned.

By using this handbook as a guideline in personnel matters, we can promote consistency and uniformity in our work. The guidelines in this handbook are effective as of the last revision date shown on the cover. Policies and procedures are continuously updated and changed. The most current copy is located on the city intranet or can be obtained from the Human Resources Office. Any questions or concerns should be addressed to the Human Resource Offices for clarification. I hope you will find this handbook useful.

Sincerely,

Ronald J. Alles

City Manager

WHAT THE PEOPLE OF HELENA EXPECT OF CITY EMPLOYEES

You are now part of an active and progressive city government that is continuously working to make Helena a more enjoyable and attractive place in which to live. Your job was created to accomplish this goal and your personal contribution is necessary to make this a responsive and efficient city government for the citizens of Helena. Service to the citizens is our reason for existence. You are expected to give this service to the best of your ability and to perform your job with a spirit of courtesy, willing assistance and appreciation for the responsibilities of your job.

It is essential that every citizen and fellow employee be treated with dignity and consideration. The public will judge your department and city government by your attitude and efficiency.

Included in this handbook is a section entitled "Code of Ethics" for city employees. Please become familiar with the contents of this document as it outlines the standards of ethical conduct for employees transacting public business.

CITY OF HELENA FORM OF GOVERNMENT

The City of Helena has had a Commission-Manager form of government since 1953. A new self-government City Charter, continuing the Commission-Manager form of government, was adopted by a vote of the citizens of the City of Helena in 1976. The main features of the Commission-Manager plan are:

- 1) The unification of authority and political responsibility in the elected commissions, and
- 2) Centralization of administrative responsibility in an administrator appointed by the Commission.

The Commission determines municipal policies which are not set forth in the charter itself, adopts ordinances, votes appropriations, and is required to appoint a Chief Administrator, the City Manager, who serves at the pleasure of the City Commission.

The Commission is the governing body of the City and the City Manager is its agent in carrying out the municipal policies established by the Commission. The Commission deals with administration and employees only in a formal manner through the City Manager. Administrative functions are not delegated to individual members of the Commission. Department Heads are selected and supervised by the City Manager.

COMMISSIONERS

James Smith, Mayor
Dan Ellison
Andres Haladay
Robert Farris-Olsen
Ed Noonan

Ronald J Alles, City Manager

CODE OF ETHICS

FOR THE PUBLIC SERVICE OF THE CITY OF HELENA

Declaration of Policy (MCA 2-2-121)

The proper operation of a republic requires that government officials and employees be independent, impartial and responsible to the people; government officials and employees comply with both the letter and spirit of the laws and policies affecting the operations of government; that government decisions and policy be made in the proper channels of the government structure; public deliberations both open and closed shall be conducted in an atmosphere of respect and civility; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a Code of Ethics for all officials and employees, whether elected or appointed, paid or unpaid. The purpose of this Code is to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the City. It also directs disclosure by officials and employees of any private financial or other interest in matters affecting the City. The provisions and purposes of this Code and such rules as may be established are hereby declared to be in the best interest of the City of Helena.

Responsibilities of Public Office

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of the State of Montana and to carry out, impartially, the laws of the nation, state and municipality and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interests must be their primary concern. Their conduct in both their official and private affairs should be above reproach and avoid even the appearance of impropriety.

Public officials and employees may not disclose or use confidential information acquired in the course of official duties in order to further substantially the individual's personal economic interest(s).

Dedicated Service

All City of Helena employees shall be loyal to the objectives expressed by the City Commission and the programs developed to attain those objectives. Appointed officials and employees of the City of Helena shall adhere to the rules of work and performance established as the standard for their positions by the appropriate authority. Public officials and employees shall not exceed their authority or breach the law or ask others to do so, and they shall work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

Fair and Equal Treatment

No public official or employee shall request or permit the use of City-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such public official or employee for official business. No public official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

Gifts and Favors

No public official or employee shall take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

No public official or employee may accept a gift of substantial value or a substantial economic benefit tantamount that would (a) tend to improperly influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or (b) that the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for an official action taken. All public officials and employees shall follow MCA 2-2-104.

Conflict of Interest

No public official or employee, whether paid or unpaid, shall engage in any business or transactions or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties in the public interest or would tend to impair his or her independence of judgment or action in the performance of his or her official duties.

Specific conflicts of interest shall include, but not be limited by, those enumerated below for the guidance of public officials and employees:

1. Hold a position in addition to a public position, which interferes or may interfere, with the proper discharge of the public duty;
2. Disclose or use of confidential information obtained as a result of public position for personal gain;
3. Any use of official position for personal gain;
4. Holding investments, which interfere or tend to interfere with the proper discharge of public duty;
5. Representation by public officials as employees of private interests before any Helena government agency and participation in the profits from such representation;
6. Participation in transactions as a public representative with a business entity in which the public official or employee has a direct or indirect financial or other personal interest without full disclosure;
7. Personal interest in legislation to the extent that private interest takes precedence over public interest and public duty;
8. Entry into contracts or other conduct of business for profit by a business in which a public official or employee has a substantial or controlling interest, especially when that public official or employee can influence such contract or business because of his or her public position.

1. Equal Employment Opportunity

1-1: Nondiscrimination

This section affirms the City of Helena's policy of nondiscrimination in employment, including but not limited to the following:

Recruitment, selection, placement, testing, training, promotion, transfer, discipline, demotion, layoff, discharge and termination.

It is the policy of the City of Helena, to promote the understanding of cultural diversity by providing equal opportunity to all of its employees and applicants for employment. In support of that policy the City shall assure there shall be no discrimination against any person on the basis of sex, age, race, color, religion, creed, national origin, physical or mental handicap, marital status, political beliefs, veterans' status, sexual orientation, gender identity or expression, or genetic information unless related to a bona fide occupational requirement. To this end, the City of Helena will take affirmative actions to equalize opportunity for employment at all levels of operation for those classes of people who have traditionally been denied equal opportunity; i.e. minority group members, women, and the handicapped. The City of Helena recognizes an obligation to make reasonable accommodations to the known physical or mental limitations or religious beliefs of an otherwise qualified handicapped applicant or employee unless the accommodation imposes an undue hardship.

Reasonable accommodation efforts include, but may not be limited to, the adoption of flex-time, job revision, schedule changes, equipment or procedure changes and utilization of employee assistance devices, as may be allowed by law. The City will meet with any employee so requesting, to discuss development of a reasonable accommodation.

All applicants for employment with the City of Helena will be recruited from the reasonably available labor market and evaluated on each person's individual qualifications and abilities. Positions may be advertised internally only with the approval of the Human Resources Director and the City Manager.

All City of Helena employees shall be afforded equal employment opportunities during their terms of employment and are guaranteed protection against retaliation for exercising any legal or administrative procedures to secure rights to equal employment opportunities or testifying on behalf of someone else doing so.

All supervisory personnel are responsible for, and shall be committed to, achieving and promoting equal employment opportunity with the City of Helena and for implementing this equal employment opportunity policy.

Assignment of Responsibility

Primary responsibility for the development, implementation and maintenance of procedures in accordance with this equal employment opportunity policy is assigned to the Human Resources Director of the City of Helena, who will serve as the Equal Employment Opportunity Officer and will conduct periodic reviews of City of Helena personnel actions to ensure that the policy of equal employment opportunity is being adhered to and will apprise the City Manager of progress and of any developing problems for which remedial action would be appropriate.

The City Manager directs all employees of the City of Helena engaged in any phase of employment to take appropriate steps to assure that employment opportunities with the City of Helena are offered on an equal basis to all, without regard to sex, age, race, color, religion, creed, national origin, physical or mental handicap, marital status, political beliefs, veterans' status, sexual orientation, gender identity or expression, or genetic information unless such distinction is a bona fide occupational qualification.

Implementation

The City will implement this policy and Title VII of the Civil Rights Act of 1964 by means of the Equal Employment Program below. This program is drawn to the specifications and standards established by residential Executive Orders 11246 and 11375, which are described in Part 60-2 of the Code of Federal

Regulations (issued by the Office of Federal Contract Compliance, U.S. Department of Labor) and the Montana Human Rights Act (Title 49, MCA).

This policy shall be comprehensive in its range. The City shall make good faith efforts to implement this policy and procedures adopted will include, at a minimum:

1. Evaluate all current employment practices for evidence of discriminatory effect. Where such practices are found to be discriminatory in their effect, they shall be modified so as to excise any effect;
2. Remedy any unwarranted instances of under-utilization of women, minorities, and other individuals who have traditionally been the victims of discrimination;
3. Develop training and upgrading procedures, which will ensure full consideration for those classes of people who have traditionally been denied equal opportunity, i.e. minority group members, women, and the handicapped, in any future employment opportunities with the City.
4. Seek out those who have been denied equal opportunity as applicants whenever vacancies occur;
5. Make the substance of this policy available through written notice to all employees, recruitment sources and other interested persons and organizations;
6. Provide equal pay for equal work;
7. Inform all contractors and subcontractors of their affirmative action responsibilities in all contracts awarded by this jurisdiction;
8. Ensure compliance with all applicable federal and State equal employment requirements;
9. Include the "Equal Opportunity Employer" (EOE) clause in all vacancy announcements;
10. Provide assistance to members of protected groups in completing applications;
11. Provide assistance to individuals needing help in meeting training and educational qualifications for job vacancies whenever possible;
12. Apprise all employment referral agencies of the substances of this policy in order to facilitate referral of qualified minorities, women and handicapped individuals;
13. Post EEO posters in conspicuous places on City premises;
14. Instruct all supervisory personnel in the required procedures following an EEO complaint;
15. Inform all supervisory personnel of their duties and responsibilities with respect to equal employment opportunity; and
16. Inform all employees of the City's commitment to equal employment opportunity and of their rights and remedies under the law.

Adopted: 2/9/87

Rev. 6/88, 8/94, 12/97, 3/04, 4/08, 5/10, 5/12, 10/15

1-2: Discrimination Complaint Process

If a City employee or other individual believes he/she has been discriminated against on the basis of sex, age, race, color, religion, creed, national origin, physical or mental handicap, marital status, political beliefs, veterans' status, sexual orientation, gender identity or expression, or genetic information, the employee may take action by submitting the complaint to the Human Resources Director. To be valid the complaint must be submitted within 180 calendar days of the alleged action or incident.

The complaint may also be submitted to any of the following levels:

- Immediate Supervisor
- Department Head
- City Manager
- State of Montana Human Rights Commission (within 180 calendar days of alleged action or incident.)

Confidentiality will be maintained throughout the process to the extent consistent with adequate investigation and appropriate corrective action.

The incident will be thoroughly investigated by the Human Resources Director and/or designee. Supervisors and Department heads may be involved in the investigation process. The City Manager will be notified of all complaints. Every effort will be made to resolve the problem at the lowest possible level.

Adopted: 2/9/87

Rev. 6/88, 8/94, 3/04, 4/08, 5/10, 10/15

1-3: Sexual Harassment Prevention

The City of Helena is committed to a work environment that promotes equal employment opportunities and is free from discrimination and harassment. Sexual harassment constitutes discrimination and is strictly prohibited by the City of Helena. This policy applies to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to the City of Helena such as an outside vendor, consultant, citizen or customer.

Sexual harassment is generally defined as unwelcome sexual advances, requests for sexual favors, and other verbal, emotional, physical, and/or visual conduct of a sexual nature when one or more of the following occur:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- Submission to or a rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may also take more subtle forms. Examples include stereotyped assumptions about the roles of men and women in the work force, or sexual based jokes and rumors. It is important that employees and managers be sensitive to overtones of harassment and deal with these situations appropriately.

Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

Complaints may be filed using the Discrimination Complaint Process outlined in Policy 1-2. Any person in authority that is aware of a complaint must report the issue to the Department Head and the Human Resources Director. Failure to report is a violation of this policy.

All complaints will be investigated promptly. The investigation may include individual interviews with the parties involved, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. Employees are expected to fully cooperate in any such investigation. A refusal of an employee to cooperate in an investigation shall result in disciplinary action or may include discharge. Employees found to have filed a false allegation intentionally or maliciously may be disciplined.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Periodic formal Sexual Harassment awareness training will be provided for all employees.

Employees found guilty of sexual harassment or retaliatory behavior are subject to progressive discipline as outlined in Policy 9-1 and could include, but may not be limited to, the following penalties:

- Counseling with the offender(s).
- Training.
- Written Disciplinary Action.
- Transfer, which could include demotion.
- Probation, with a warning of suspension or discharge for continuing or recurring offenses.
- Suspension with or without pay (depending on the seriousness of the offense).

- Discharge for cause.

Retaliation against an individual for reporting sexual harassment or for participating in an investigation of a claim of sexual harassment is a serious violation of this policy. This includes, but may not be limited to, the offended employee, the alleged harassing employee, or anyone providing information in the investigation.

Should retaliation occur, the City will take action which may include disciplinary action or discharge of the retaliating employee.

For cases of elected official's retaliation, the matter will be referred to the courts or appropriate administrative agency of State or Federal government.

A follow-up review will be completed within 6 months after harassment allegations have been confirmed to ensure the sexual harassment has discontinued and all parties involved are not subject to retaliatory behaviors.

Adopted: 2/9/87

Rev. 6/88, 8/94, 9/98, 10/05, 4/08, 5/10, 5/12, 10/15

1-4: Harassment Prevention

The City of Helena and its managers and supervisors will prohibit harassment or bullying of any kind. It is necessary to halt and eliminate all forms of harassment in order to provide and maintain a productive work environment. Harassment that is based on protected characteristics (sex, age, race, color, religion, creed, national origin, physical or mental handicap, marital status, political beliefs, veteran's status, genetic information or sexual orientation or gender identity or expression) may be a form of unlawful discrimination. Other types of harassment or bullying (general harassment) decrease employee morale, productivity, and effectiveness.

Definition of Harassment

Harassment is the conduct of one employee toward another that has the purpose or effect of:

1) unreasonably interfering with the employee's work performance, and/or 2) creating a hostile, or offensive work environment. Harassment does not include the legitimate job-related efforts of supervisory personnel to direct, coach, evaluate, and/or discipline an employee or to have the employee improve his or her performance.

Unlawful Discriminatory Harassment

Harassment that is based on the following characteristics is "unlawful discriminatory" harassment: sex, age, race, color, religion, creed, national origin, physical or mental handicap, marital status, political beliefs, veteran's status, genetic information or sexual orientation or gender identity or expression.

General Harassment

Harassment that is not based on "unlawful" characteristics listed above. This includes bullying. Examples may include, but are not limited to:

- Physically intimidating behavior/and or threats of violence.
- Use of profanity (swearing), vulgarity.
- Ridiculing, taunting, belittling, or humiliating another person.
- Inappropriate assignments of work or benefits.
- Derogatory name-calling.

Evaluating Complaints of Harassment

Allegations will be reviewed based on the totality of circumstances, including, but not limited to, the nature of the alleged harassing conduct and the context in which it occurred. All facts will be reviewed on a case-by-case basis.

In evaluating alleged "general harassment," the acts will be reviewed from the perspective of the complainant, using a "reasonable person" standard. In evaluating alleged "unlawful discriminatory harassment," the acts will be reviewed from the perspective of a reasonable person of the group that is the object of the alleged harassment. These standards recognize the unique experiences of different groups in our society.

All applicable provisions of collective bargaining agreements apply.

Complaints Relating to Harassment

If an employee feels he or she has been, or is being harassed, there are several ways to make his or her concerns known.

- An employee who feels comfortable doing so should respectfully inform the person(s) engaging in perceived harassment that such conduct is offensive, against City policy, and must stop.
- When an employee does not feel comfortable in communicating directly with the person(s) whose actions are offensive, or when such direct communication has not been effective, the employee should immediately inform his or her supervisor or Human Resources of the conduct.
- If the employee's supervisor is the person engaging in the offensive conduct, or if the employee does not feel comfortable for whatever reason in contacting his or her supervisor, the employee should immediately contact the next level supervisor in the chain of command up to the department head or the Human Resources Director.
- Employees may make complaints in which the employee is requesting that action be taken by management, stating the facts surrounding the incident(s).
- Any supervisor who receives a report of a violation of this policy shall immediately notify his or her immediate supervisor and the Human Resources Director.
- Upon receipt of a complaint alleging harassment, the City will take all appropriate steps to prevent the alleged conduct from continuing pending completion of the investigation. The Human Resources Director and/or the City Manager shall determine the steps to be taken by balancing the rights of the alleged victim and the rights of the alleged harasser, considering the severity of the alleged conduct.
- The City will investigate the harassment complaint and a review the findings with the department head if appropriate and the City Manager. The City shall inform the complainant, any other employees directly involved, and the immediate supervisors of the employees involved of the results of the investigation and of the City's decision.
- The results of any investigation will remain confidential and be disseminated only to persons having a right to know that outweighs the privacy rights of the persons involved.
- Employees also may file a complaint of unlawful discriminatory harassment with the Human Rights Bureau of the Montana Department of Labor and Industry if appropriate.

Reprisal

Managers, supervisors, and employees are prohibited from retaliating against anyone for opposing harassment, making a complaint of harassment, or cooperating in an investigation or any other proceeding concerning a complaint of harassment. An employee who believes he or she has been subjected to retaliatory action should immediately report the action to the Human Resources Director.

Penalty for Engaging in Harassment or Reprisal

Violation of this policy may be grounds for immediate discipline up to and including discharge. The specific penalty to be imposed shall be determined on a case-by-case basis, after a careful review of all of the relevant facts, and in accordance with any applicable collective bargaining agreements.

Addressing and Reporting Harassment

Supervisors observing or having knowledge of incidents or practices within their work unit that constitutes harassment shall take immediate action to stop the practice and prevent future incidents.

If you are not personally a recipient of harassment, but observe actions against other employees, which you believe to be harassment, you are encouraged to bring it to the attention of the Human Resources Director.

Contact the Human Resource Office for assistance in filing a complaint.

*Adopted: 10/01/15
Rev.*

2. Benefits

2-1: Medical Insurance Coverage

The City of Helena provides dental, vision and a choice from multiple group medical insurance plans for all eligible City employees and their families to participate in, including bona fide domestic partners who have completed a declaration of domestic partnership affidavit. Additionally the City provides an Employee Assistance Program (EAP) for all regular employees (see Policy 2-2). The City Commission determines the portion of the total premium to be paid by the City for employees' medical, dental and vision insurance. The employer paid premium is not taxable under 26 USC § 106 unless used to purchase insurance products that are not exempt from taxes or coverage of individuals not qualified to be dependents under IRS regulations. The only part of the employer paid premium eligible for the City's Section 125 Plan (Cafeteria Plan), is excess employer contributions that are applied towards a Daycare Reimbursement Account or Unreimbursed Medical Account.

Group plan documents, available in the Human Resources Office or on the City's intra-net, explain detailed insurance coverage offered by the plans. The Human Resources Office is the liaison between employees and the insurance company and is available to help employees with their insurance questions.

Eligibility Requirements

- Regular Full-Time (individual premium paid)
- Regular Part-Time (individual premium pro-rated)
- Variable hour employees (ex, temporary, season, other) who work a minimum of 130 hours in a month on average over a 12 month period; as verified by the HR department.
- Retirees (retiree pays for entire premium)
- Employees who have been terminated or discharged who elect to remain with the City's group plan for up to 18 months under COBRA Consolidated Omnibus Budget Reconciliation Act (entire premium paid by individual)

Coverage

A. When Coverage Begins:

Coverage for new employees who elect to be covered by the City's group plan will begin on the first day of the month following thirty (30) days from the eligible person's hire date.

B. When Coverage Ends:

If an employee terminates or is discharged on or before the 15th of the month, coverage is extended to the end of the month. Employees who terminate or are discharged on or after the 16th of the month will have coverage through the end of the following month unless the employee elects to remain insured under option 2 below.

1. Retirement: Employees who retire have the option to remain in the City's group medical, dental and vision plans provided they pay the current premium each month. Payment may be made directly to the City's Human Resources Office or through a retirement check deduction through MPERA. Details concerning this option are available in the Human Resources Office.
2. Continuation Coverage under the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA): Employees terminating eligibility for benefits may have the right to continue coverage according to the terms of the Consolidated Omnibus Budget Reconciliation Act (COBRA). Please refer to the Plan Document provided by the benefit coverage provider for information on continuation of coverage after termination.
3. Leave of Absence: Employees may elect to continue their total existing insurance coverage while on leave of absence (Leave Without Pay). The City will continue to pay the employee's benefit portion of the premium until the end of the month in which the leave begins. At the end of that

time the City's contribution shall cease and the employee shall pay the entire premium for continued coverage. The employee will be responsible for paying all out of pocket premiums they normally pay for their insurance and all dependent coverage they wish to continue in force from the first day of the leave. As long as there has been no break in coverage, the City's contribution will begin immediately after the return of the employee if the employee works a minimum of one-half or more of their regularly scheduled shifts during a pay period. The City will continue to pay the City's portion of insurance coverage for employees on Leave Without Pay as a result of the Family and Medical Leave Act of 1993 during the approved leave times. (See Policy 3-7).

4. **Workers Compensation injury:** For insurance coverage while in non-pay status, due to a work related injury. (See Policy 11-2)

Basic Life Insurance

A basic life insurance policy is provided for each eligible employee; retirees are not eligible. The premium is paid by the City. Optional life insurance may be purchased by the employee covering themselves, their spouse and/or children. Employees retiring will be given the option of converting their current life insurance coverage to an individual policy.

Adopted: 2/9/87

Rev: 6/88, 8/94, 3/04, 11/06, 5/10, 7/11, 5/12, 10/15

2-2: Employee Assistance Program

This section covers regular full-time and regular part-time employees.

The City of Helena provides an Employee Assistance Program for all City of Helena employees who are eligible for coverage under the City's medical insurance benefits program, and members of their household. The City of Helena EAP provides an avenue where employees and members of their household can receive voluntary, confidential assistance on personal problems. Assessment and short-term counseling is available at no charge to employees and members of their household.

These services are VOLUNTARY and CONFIDENTIAL. Supervisors may encourage employees to utilize the program at times of declining job performance. Whether or not an employee utilizes this service is their choice and generally will not affect the status of their job. However, in cases of advanced discipline, the employee may be required to participate in order to continue employment.

The City of Helena encourages employees and household members to call for assistance when problems occur. City departments will post the Employee Assistance Program phone number and address in a prominent place visible to all employees. Employees may receive further information regarding the program from the Human Resources Office or on the City intranet site.

Adopted: 2/9/87

Rev: 6/88, 8/94, 2/97, 3/04, 5/10

2-3: Retirement

Retirement systems for City employees are:

Plans Administered by Montana Public Employees Retirement Administration

The City and the employee contribute a percentage to the fund as set by State law.

Members earn service credits for all periods of employment for which required contributions are made to the retirement system. Members may be eligible to purchase various types of other service for credit into MPERA. Contact MPERA for details concerning service credits and "buy back" requirements. Information is also on line at the MPERA website.

Employees who wish to retire should inform the Human Resources Office as soon as possible. MPERA recommends the employee contact them about 6 months prior to expected retirement date for planning purposes. MPERA's website is at <http://mpera.mt.gov>.

Employees may withdraw/transfer MPERA contributions only when or after terminating. An application form is available at the MPERA website. MPERA generally refunds/transfers the money six (6) to eight (8) weeks after MPERA receives the form.

Public Employee's Retirement System (PERS)

Eligible Employees (Mandatory):

- Regular Full-Time, first day of employment.
- Regular Part-Time, first day of employment.
- Temporary Employees when they have worked or if they are expected to work at least 960 regular hours in a Fiscal Year (July 1 to June 30).

Municipal Police Officers' Retirement System (MPORS)

Eligible Employees (Mandatory):

- All sworn police officers regardless of rank.

Firefighters' Unified Retirement System (FURS)

Eligible Employees (Mandatory):

- All employees of the Helena Fire Department regardless of rank except for administrative support positions.

Deferred Compensation Plan (optional)

The City of Helena coordinates with MPERA to offer employees the opportunity to invest a portion of their pay into a 457(b) deferred compensation plan on a pre-tax basis (not subject to State or Federal income tax withholding). Participation is on a voluntary basis.

Details and information on these plans are available on line at the MPERA website at <http://mpera.mt.gov>.

Social Security (FICA)

Mandatory for all employees regardless of employment status.

Exception: Police Officers and Fire Fighters are not subject to Social Security tax.

Medicare

Mandatory for all employees regardless of employment status.

Exception: Police Officers and Fire Fighters hired before April 1, 1986 are not subject to Medicare Tax.

Adopted: 2/9/87

Rev: 6/88, 8/94, 3/04, 4/08, 5/10, 5/12, 10/15

2-4: Longevity

It is the policy of the City of Helena to make longevity payments to eligible employees each year. Payments are made with the November paycheck that includes October 31st in the pay period. The longevity payment will be on a separate check. Employees covered by a collective bargaining agreement will be paid in accordance with those agreements.

Employees Eligible

REGULAR FULL-TIME

REGULAR PART-TIME

Effect of Part-time and Temporary Time on Qualifying Work Period

Time worked in a full time or part time temporary position will count toward longevity when an employee is hired as a regular full time employee with no break in service. Time does not count if the position was intermittent or on call with no established work schedule.

Qualifying Work Period

The qualifying work period begins on the employee's date of hire and ends at 12:00 midnight on October 31 of the year payments is made. To be eligible, employees must be in employment status on October 31.

Longevity Payment Schedule

Beginning with 4 completed years of service, as of the cut-off date, each eligible full time employee will receive \$96 for each year of service. Longevity payments will be prorated for eligible part time employees based on the annual number of hours worked. Employees moving from temporary or part time status to full time status will continue to have a prorated calculation for the time of service in the part-time/temporary position

The yearly amount (\$96) will be prorated if an employee has any leave of absence without pay of more than 40 consecutive hours during a year (anniversary date to anniversary date). If an employee is on leave without pay due to a workers' compensation injury, the yearly amount will be prorated after an employee has been off work for more than six (6) months. Only the time after the six month time frame will be considered for proration. Leave of absence due to FMLA or qualifying Military leave is excluded and longevity will not be prorated.

Longevity Payment Upon Retirement

Longevity will be prorated upon retirement. Prorated retirement longevity payment calculations will be based on the last anniversary date achieved.

Longevity Payment Upon Death of Current Employee

Upon the death of a current active employee the longevity will be prorated through the date of death. The calculations will be based on the last anniversary date achieved.

Adopted: 2/9/87

Rev: 6/88, 8/94, 2/97, 3/04,11/06, 5/10,7/11, 5/12, 10/15

2-5: Employee Service Appreciation Program

The Employee Appreciation Program recognizes all tenured City employees for their dedication and service to the City of Helena.

Eligibility Requirements for service awards

Individuals who are currently employed at the time of the yearly program or retired during the previous year and who have completed five (5) years of continuous service during the previous year. Service awards will then be given for every five (5) years of continuous service until retirement. Previous City of Helena employment prior to a break in service or work with other government entities will not be counted as eligible time for awards purposes.

Presentation of Awards

A special program will be held each year in appreciation of employee service and to present service awards to employees. Other special awards, such as Special Recognition, Employee Suggestions, and Safety Suggestion, may be presented at this time also. The Human Resources Office is responsible for certifying creditable time and arranging for the Awards Program each year.

Adopted: 2/9/87

Rev: 6/88, 8/94, 3/04, 4/08, 5/10, 5/12

3. Employee Leave Administration

3-1: Vacation Leave

Eligible Employees

- Regular Full-Time
- Regular Part-Time (hours earned pro-rated)
- Long-term Temporary Full-Time
- Long-term Temporary Part-Time (hours earned pro-rated)

Hours of work for above employees must be pre-scheduled to be eligible to earn vacation leave credits.

Calculation of Vacation Leave Credits

Earned vacation leave credits are calculated as follows for Regular, full time employees:

Years of Employment	Days Earned Per Year (8 hrs/day)	Maximum Total Hours Earned Per Year	Hours Earned, first two pay periods of each month
1 day – 10 yrs	15	120	5
10 yrs – 15 yrs	18	144	6
15 yrs – 20 yrs	21	168	7
Over 20 yrs	24	192	8

Employees working less than 2080 hours will receive a prorated amount every payday based on the number of hours paid during that pay period. Employees working more than 2080 hours per year will not be credited with more than the maximum total hours of vacation earned in accordance with the table above.

Employees begin earning leave credits the first day of employment in a job which has pre-scheduled hours to work. Vacation leave credits earned will be credited at the end of each pay period and may not be used until the start of the next bi-weekly pay period.

Credit for Time Worked with Other Agencies

According to state law, §2-18-612, MCA, vacation leave credits must be calculated based on the total years of employment with any City, County, School District or State agency in Montana, including the Montana National Guard. Federal service is not creditable. A letter from the employee's former agency certifying the time worked must be submitted to the Human Resources Office to receive credit for prior time. Changes in accumulation rates will begin only upon receipt of verifying information.

The employee must have been eligible to earn leave at the former agency in order to have the time counted.

Qualifying Work Period

An employee must be continuously employed for the qualifying period of 6 calendar months to be eligible to use vacation leave. Unless there is a break in service, an employee is only required to serve the qualifying period once. After a break in service, an employee must again complete the qualifying period to be eligible to use annual vacation leave. "Break in service" is a period of time in excess of forty (40) continuous hours when the person is not employed with the City of Helena.

Vacation Leave Requests

Employees must arrange the times for taking vacation leave in advance with their supervisor. Where the interest of the City requires the employee's attendance, the City's interest overrides the employee's. Leave credits may not be advanced nor may leave be taken retroactively.

Expending Accrued Vacation Credits

Vacation leave credits will be expended on an "hour for hour" basis in no less than quarter (1/4) hour increments. Employees on shifts longer or shorter than 8 hours will be charged for the actual number of work hours taken off.

Effect of Extended Leave of Absence Without Pay on Qualifying Work Period

If an employee has not worked the qualifying period of 6 months and takes an approved continuous leave of absence without pay exceeding one hundred and twenty (120) working hours, the amount of time on leave of absence will not count toward completion of the qualifying period. The leave of absence exceeding one hundred and twenty (120) working hours is not a break in service and the employee will not lose any accrued annual leave credits or lose credit for time earned toward the qualifying period accrued before the leave occurred. An approved continuous leave of absence without pay of one hundred and twenty (120) working hours or less will be counted as time earned toward the six (6) month qualifying period.

Maximum Accrual of Vacation Leave Credits

Any accrued vacation in excess of twice the employee's annual rate of accrual (see graph below) as of the end of the first pay period of the next calendar year will be forfeited if not taken within 90 calendar days following December 31. Human Resources will send out the notifications after the applicable pay period is processed. Employees must make a written request to their supervisor no later than January 31st to use the excess prior to March 31st. If the supervisor has not received a request by January 31st, they should meet with the employee as soon as possible to schedule time off prior to the March 31st date. However, if the employee makes a reasonable written request by January 31st to use the excess hours prior to March 31st, and is denied the time off and other dates are unable to be scheduled off (supervisors do have the right to require an employee to make an alternative choice); with the City Manager's approval, the employee will have until the end of the calendar year to use the excess vacation. (§2-18-617 (1b), MCA).

Employees may donate excess vacation that will be forfeited to a non-refundable sick leave pool. The employee would follow the donation of sick leave policy to request pooled time. Employees donating to the excess sick leave pool are not guaranteed entitlement to the balance.

Years of Employment	Maximum based on FT (PT will be prorated)
1 day – 10 yrs	240
11 yrs – 15 yrs	288
16 yrs – 20 yrs	336
Over 20 yrs	384

Lump-Sum Payment upon Termination

An employee who is separated from the service of the City for reason(s) not reflecting discredit on himself/herself shall be entitled, upon the date of termination, to cash compensation for unused vacation leave. Compensation will be based on the employee's salary at the time of termination, assuming that the employee has worked the qualifying period of six (6) months.

The City is under no obligation to extend an employees' termination or discharge date to allow an employee to take off accrued vacation time.

Adopted: 2/9/87

Rev: 6/88, 8/94, 3/04,11/06, 4/08, 5/10,7/11, 10/15, 01/16

3-2: Sick Leave

Eligible Employees

- Regular Full-Time
- Regular Part-Time (hours earned pro-rated)
- Temporary Full-Time
- Temporary Part-Time (hours earned pro-rated)

Hours of work for above employees must be pre-scheduled to be eligible to earn sick leave credits.

Calculation of Sick Leave Credits

Full-time employees working 2080 or more hours per year earn a maximum of 96 hours of sick leave per year. This is credited at 4 hours the first two pay periods of each month. Credits are pro-rated for part-time and seasonal employees every pay day based on the number of hours paid during that pay period.

These sick leave credits may not be used until the start of the next bi-weekly pay period. There is no restriction as to the number of hours of sick leave credits that may be accumulated, nor to the number of accrued sick leave credits that may be used for a bona fide employee illness or disability, provided that the qualifying period has been completed.

Employees on "non-pay" status will not earn leave credits (See Policy 3-5)

Qualifying Work Period

Sick leave credits accrue from the first day of employment in a position that has pre-scheduled hours of work.

An employee must be continuously employed for the qualifying period of 90 calendar days to use sick leave.

Unless there is a break in service of forty (40) hours or more, an employee only serves the qualifying period once. After a break in service an employee must again complete the qualifying period to use sick leave.

"Break in service" is defined as a period of forty (40) hours or more when the employee is not employed by the City of Helena.

Effect of Extended Leave of Absence on Qualifying Work Period

When an employee who has not worked the qualifying period for use of sick leave takes an approved continuous leave of absence without pay exceeding one hundred and twenty (120) hours, the amount of time on leave of absence will not count toward completion of the qualifying period. The approved leave of absence exceeding one hundred and twenty (120) hours is not a break in service and the employee will not lose any accrued sick leave credits or lose credit for time earned toward the qualifying period. An approved continuous leave of absence without pay of one hundred and twenty (120) hours or less will be counted as time earned toward the 90-day qualifying period.

Sick Leave Requests

It is City policy for employees to report illnesses to supervisors or other department officials at the earliest possible moment. Employees who do not report to work and fail to notify their supervisor will be considered AWOL (Absence Without Leave) and may not be paid for the time off.

The employee's immediate supervisor or department head is responsible for approval of non-FMLA leave use and may require medical certification or a medical release for leave charged against any sick leave credits. The Human Resource Office is responsible for approval or denial of sick leave usage when related to FMLA.

The employee must notify Human Resources 30 days in advance, or as soon as known if less than 30 days, of any foreseeable medical absence. The employee's immediate supervisor or department head must notify Human Resources if unforeseeable leave will extend past twenty-four (24) working hours or three (3) work days, whichever is less. Leave that may qualify under the Family Medical Leave Act (see Policy 3-7) will be approved and administered by the Human Resources office. Non-adherence to FMLA employee responsibilities may disqualify employees' use of sick leave during part of all of the absence. The Human Resource Office will adjust the employee's time coding from sick leave to another leave type if deemed unqualified by HR.

Medical certification may also be required to certify that the illness of a family member requires the immediate attention of the employee.

Medical certification of maternity-related sick leave must be obtained in the same manner and under the same conditions as certification for other sick leave.

Conditions for Use of Sick Leave

An employee may use sick leave credits for:

- A. Illness: Illness that occurs during an employee's vacation or when using banked holiday hours (not applicable in all areas) may be charged to sick leave with verification when requested.;
- B. injury;
- C. medical disability;
- D. maternity-related disability, including prenatal care, birth, miscarriage, abortion, or other medical care for either employee or child;
- E. quarantine resulting from exposure to contagious disease;
- F. medical, dental or eye examination or treatment;
- G. necessary care of or attendance to an immediate family member, or at the department's discretion, another relative, for the above reasons until other attendance can reasonably be obtained;
- H. death or funeral attendance as defined below; and/or
- I. parental leave as defined below.

Death of Family Member

Up to forty (40) hours of sick leave will be granted an employee to attend the funeral of an immediate family member, or at the department's discretion, for another person.

Parental Leave

Up to one hundred and twenty (120) hours of sick leave may be used immediately following the birth or placement of a child if:

- the employee is adopting a child; or
- the employee is a birth father.

As used in this section, "placement" means placement for adoption as defined in §33-22-130 (3), MCA.

If an employee requests additional sick leave beyond the 120 hours, medical certification of necessity must be provided.

Without medical certification, additional time, beyond the initial 120 hours, may be requested in the form of vacation, compensatory time or leave without pay as noted in Policy 3-7.

Maternity Leave

An employee may request sick leave for a pregnancy-related disability that occurs before the birth of a child. Leave must be requested and approved or disapproved consistent with Policy: 3-1 and 3-2.

Six (6) calendar weeks after the birth of a child shall be considered a reasonable period of recovery from a temporary disability resulting from childbirth.

An employee shall not be required to obtain medical certification of a temporary disability for the initial six (6) calendar weeks of sick leave following the birth of a child. If the employee requests sick leave due to disability which exceeds six (6) calendar weeks, the employee shall obtain medical certification that the additional leave is medically necessary.

It is City policy to allow employees to be absent from work for up to 12 "work weeks" for maternity reasons including adoption. The 12 "work weeks" will include the initial six (6) calendar weeks directly related to recovery from childbirth, or the initial 15 days allowed for adoption, as noted in Policy 3-7.

An employee may request the use of annual leave, leave without pay, compensatory or other appropriate paid leave for purposes such as adoption or childcare. Leave shall be requested by the employee and approved by the department consistent with City policy as outlined in Policy 3-1, 3-2, 3-4 and 3-7.

Expending Accrued Sick Leave Credits

Sick leave credits will be expended on an "hour for hour" basis in no less than quarter (1/4) hour increments. Employees on shifts longer or shorter than 8 hours will be charged for the actual number of work hours taken off.

Abuse of Sick Leave

Misrepresentation of the actual reason for charging an absence to sick leave is cause for dismissal and forfeiture of the lump-sum payment.

Chronic, persistent, or patterned use of sick leave may be subject to progressive discipline. An employee disciplined for abuse of sick leave is not eligible to apply for donated sick leave for a period of one (1) year after the discipline is imposed. This includes documented verbal and written warnings.

Absences improperly charged to sick leave may, at the City's discretion, be charged to available compensatory time or leave without pay. Annual leave may be used at the mutual agreement of the employee and the supervisor.

Lump-Sum Payment Upon Termination or Discharge

Except those participating in a qualifying VEBA plan, when an employee terminates or is discharged from employment, the employee is entitled to cash compensation for unused sick leave credits equal to one-fourth of the compensation the employee would have received if the employee had used the credit, provided the employee has worked the qualifying period.

The value of unused sick leave is computed based on the employee's salary at the time of termination.

According to §2-18-618(6), MCA, "accrual of sick leave credits for calculating the lump-sum payment begins July 2, 1971."

Employees discharged for reasons including the abuse of sick leave forfeit the right to lump-sum payment for any sick leave balance.

Adopted: 2/9/87

Rev: 6/88, 8/94, 3/04, 11/06, 4/08, 5/10, 7/11, 10/15, 7/16

3-3: Sick Leave Donation

It is the policy of the City of Helena to allow the donation of sick leave hours for specific cases. Donated sick leave may be requested for emergency and/or unplanned events. Requesting sick leave does not guarantee that it will be granted. Employees must be in good standing and meeting performance expectations to be considered for donations.

Eligible Employees

Regular Full-Time

Regular Part-Time

City of Helena Sick Leave Donation Policy

Employees requesting donated sick leave must submit a written request, including reason, to his/her supervisor for approval. The supervisor will submit his/her recommendation to the department head for review. The department head will then recommend approval of or deny the sick leave request. If the department head denies the request, he/she will notify the employee and the Human Resource Director in writing. If the department head recommends approval of the request, the recommendation will be put in writing and submitted to the Human Resource Director for final review and submission to the City Manager for final approval or denial.

Donations of sick leave are solicited from all City employees on a strictly volunteer basis or through excess vacation leave donations. The resulting leave balance is available to approved individuals for missed work hours for the specific event in which the donation was requested and approved. Donated sick leave is not added to the employees normal sick leave balance; it is only processed by payroll each applicable pay period needed. The department employing the employee shall pay all costs of the use of donated sick leave.

Excess vacation leave donations will only be processed shortly after March 31st of each year. All solicited donations given by employees will be for the specific person making the request. Donations are not deducted from the employee making the donation until the time is needed. Donations are tracked and hours used are split by those on the donation list and will be matched (up to the maximum in the policy) by the sick leave bank until the banked hours are depleted.

Donations for Employee, Spouse or Child

Donations are voluntary and must be submitted in writing using a standard form from the Human Resources Office. The form will indicate the donating employee's name, department and the number of hours being donated up to a maximum of sixteen (16) hours.

The individual for whom the fund is created must be unable to work (unless for spouse or child), have lost no less than eighty (80) consecutive working hours, or otherwise demonstrate a serious illness or injury, and be ineligible for retirement through a medical disability or for workers compensation because of a job-related illness or injury. The individual must have exhausted all personally accrued sick leave, vacation leave, banked holiday leave, and compensatory time before being eligible for donated time. Employee is not required to use banked holiday hours for holidays that have not occurred. The employee must have worked for the city for a minimum of 12 months to be eligible for donated sick leave.

The amount of sick leave donated to an individual cannot exceed 240 hours in a twelve month period for a full time employee. The maximum amount will be prorated for part-time employees based on the number of hours a person is regularly scheduled to work in a pay period. (E.g.: Employee works 20 hours a week, will be eligible for 120 hours of donated time)

Donations will be taken only once for each case in a twelve (12) month period beginning with the utilization of the first day of donated sick leave.

Employees donating sick leave must have met the 90-day qualifying period and retain a minimum balance of 80 hours of sick leave after the donation.

Adopted: 2/9/87

Rev: 6/88, 8/94, 12/97, 3/04,12/06, 5/10, 7/11, 10/15, 2/16

3-4: Holidays and Holiday Pay

Full-time employees (long-term temporary or regular) with a set schedule are entitled to paid time off for all recognized legal holidays. Part-time employees (long-term temporary or regular) will receive holiday pay on a prorated basis.

Legal holidays are as follows:

- New Year's Day
- Martin Luther King Day
- Washington-Lincoln Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- General Election Day (Alternating Years)
- Veteran's Day
- Thanksgiving Day
- Christmas Day

The above list of recognized holidays shall also include any legal holiday declared by the President of the United States, and/or the Governor of the State of Montana, with the concurrence of the Mayor of the City of Helena.

If any of the above holidays fall on Sunday, the following Monday is a holiday. If the holiday falls on a Saturday, the preceding Friday is a holiday.

An employee who is scheduled for a day off on a day which is observed as a legal holiday shall be entitled to receive a day off (8 hours) with pay either on the day preceding or on another day following the holiday in the same pay period or as soon as possible in following pay periods.

To receive holiday pay, the employee must be in a pay status on the employee's last regularly scheduled working day immediately before the holiday or on the employee's first regularly scheduled working day immediately after the holiday (§2-18-603, MCA). On-call and short-term temporary employees are not entitled to any holiday benefit.

Adopted: 2/9/87

Rev: 6/88, 8/94, 3/04, 4/08, 5/10, 10/15

3-5: Leave of Absence Without Pay

A leave of absence without pay is defined as any approved period of time an employee is away from City service for any reason and is not in pay status.

Employees may request time off without pay from their supervisors in the same manner as sick or vacation leave (in writing). Department heads may approve an absence without pay for a period of five days (40 hours) or less. Any leave of absence without pay, in excess of five days (40 hours), must be approved by the City Manager, in advance if possible. Requests for time off without pay may be denied if the employee has available vacation, sick leave (if applicable), comp time, or banked holidays. Employees may be requested to use the existing leave time before approval of leave without pay will be given.

The City reserves the right to discharge an employee who fails to return to work the day following the expiration date of a period of leave of absence and may recruit to fill the position.

Affect of Approved Leave of Absence on Employee Benefits:

- A. Vacation and Sick Leave Credits: Employees may not accrue credits while on leave of absence (§2-18-611 (4) and §2-18-618 (2), MCA). All time in leave of absence is credited toward an employee's service time for the purpose of determining their earning rates.
- B. Longevity Allowance: Any leave of absence extends qualifying work period for longevity at each level. See Policy 2-5 for effect on Longevity payments.
- C. Public Employee's Retirement: Time on leave of absence is not allowed in computing service time for retirement purposes under PERS, MPORS, or FURS.
- D. Health Insurance: See Policy 2-1.
- E. Probationary Period: See Policy 6-6.

Adopted: 2/9/87

Rev: 6/88, 8/94, 2/97, 3/04, 5/10

3-6: Absence Without Leave

Absence without leave is defined as any period of time away from an employee's job, which is not approved by the employee's supervisor or other appropriate authority.

Employees are required to notify their supervisors or other appropriate department authority the reason for absences as soon as possible. Failure to follow this policy is grounds for disciplinary action or discharge.

An employee will be considered to have voluntarily resigned if they are absent without leave (AWOL) for a period of three (3) consecutive working days (24 working hours). "Absence without Leave" (AWOL) includes any unauthorized absence or failure to report to work by an employee.

Adopted: 2/9/87

Rev: 6/88, 8/94, 3/04, 5/10

3-7: Family and Medical Leave

The Family and Medical Leave Act (FMLA) provides specific benefits to employees. It is intended to balance the demands of the workplace with the needs of families and to promote family stability, economic security and national interest in preserving family integrity (29 CFR 825.101). Specifically, the FMLA:

- Entitles eligible employees to job protected leave;
- Maintains an employee's health benefits during leave (employee/family out of pocket amount(s) will need to be paid by the employee);

- Restores an employee to a job at the conclusion of leave;
- Sets employer and employee requirements for notice of leave; and
- Assists managers and supervisors in managing leave requests.

Eligibility

In accordance with the FMLA, an employee qualifies if:

- The employee has been employed by the City of Helena a total of at least 12 months prior to leave (does not have to be consecutive);
- Has worked at least 1250 hours (exclusive of vacation, sick leave, and holidays) in the 12 months immediately preceding the commencement of leave ;and
- Needs or expects to need leave for a covered reason listed below.

Employees cannot waive their prospective rights under the FMLA.

Loss of Eligibility

The employee's eligibility and protection under FMLA ends when:

- An employee gives unequivocal notice of the employee's intent not to return to work;
- The employee exhausts all FMLA leave benefits for the covered period; or
- The employee exhausts all FMLA leave and is unable to return to work.

Covered Reasons

Eligible employees may take up to 12 workweeks (equivalent of 480 hours) of leave (paid/unpaid) in a rolling 12-month period beginning with the first day of qualified leave for one or more of the following reasons (part time employees' maximum will be prorated accordingly):

- The birth of an employee's child and to care for or bond with a newborn within one year of birth. This includes incapacity due to pregnancy, prenatal care, or for the expectant mother's own serious health condition. The latter does not need to last three consecutive days.
- The placement of a child for adoption or foster care with the employee (including counseling, consultation, court appearances, etc.), prior to placement and to care for or bond with the newly placed child within one year of placement.
- To care for a spouse, son, daughter, or parent who has a serious health condition, as defined in the FMLA.
- For an employee's own serious or chronic health condition that makes the employee unable to perform the essential functions of his or her job.
- For any qualifying exigency arising when the employee's spouse, son, daughter, or parent is a military member on covered active duty or has been notified of or called to covered active duty status.

An eligible employee may also take up to 26 workweeks of leave during a "single 12-month period" to care for a covered service-member with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the service-member. The "single 12-month period" for military caregiver leave is different from the 12-month period used for other FMLA leave reasons.

- Leave to care for a covered service-member will only be available during a single 12-month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12-month period.
- The 12-month period begins on the first day the employee takes leave to care for a covered service-member, even if basic FMLA leave was taken within the 12-months prior.
- Eligible part-time employees will receive pro-rated leave based on the average weekly hours in a pay status. For example, a part-time employee who works 20 hours per week is entitled to 20 hours of military caregiver FMLA leave per work week for 26 weeks.

Workers Compensation

Leaves of absence taken in connection with a qualifying workers' compensation injury or illness will run concurrently with any FMLA leave entitlement.

Notice to the City

When there is a foreseeable need for leave for any Covered Reasons as listed previously, the employee or employee's supervisor must notify the Human Resource Office of such expected leave at least 30 days in advance. When the need for leave is foreseeable less than 30 days in advance or is unforeseeable,

employees must provide notice as soon as possible and practicable under the circumstances. The employee's immediate supervisor or department head must notify Human Resources if an employee's unforeseeable sick leave will extend past twenty-four (24) working hours or three (3) working days, whichever is less.

Medical Certification

A medical certification is required for leave due to family or employee medical illness except in the event of birth or placement of a child. The medical certification must be returned to HR within 15 calendar days after request is made and must be sufficient to support the need for leave. A fitness-for-duty or medical release will be required before an employee may return to work except in cases of birth or the adoption of a child. The medical certification must contain all required information as listed in 29 CFR 825.306(a).

Recertification may be required periodically by the City or if the employee's medical circumstances change during the FMLA period (such as additional complications or faster recovery). Certification may be requested at a later date if there are questions regarding the appropriateness of the leave or its duration.

Consequences

If there was a foreseeable need for leave and the employee failed to provide at least a 30 day notice (or as soon as known if less than 30 days), the City may consider the explanation for not giving notice. If the explanation is not reasonable, FMLA coverage may be denied up to 30 days after the date employee gave notice (29 CFR 825.304).

If the employee fails to provide the City with a complete and sufficient certification (or recertification), or fails to provide any certification, the City may deny the taking of FMLA leave and employee will not have the job protection and/or insurance protection that FMLA covers. The City will also have the ability to deny the employee from taking any type of leave in this case.

Non-adherence to any responsibilities of the employee as defined in the FMLA (such as inadequate medical documentation, non-return of medical certification, failure to sufficiently notify **the City**, etc.) may disqualify employee's use of sick leave during part or all of the absence. In accordance with City Policy 3-2, Sick Leave, the Human Resource Office is responsible for approval or denial of sick leave usage when related to FMLA. The Human Resource Office will adjust the employee's time coding from sick leave to another leave type if deemed unqualified by HR.

Scheduling of Planned Medical Treatment and Intermittent Leave or Reduced Leave Schedules

- Employees must consult with their supervisor and make a reasonable effort to schedule medical treatment so it does not unduly disrupt the City's operations. The employee's health care provider must approve treatment schedules.
- Employees seeking intermittent or reduced-schedule leave for reasons unrelated to planned medical treatment must advise Human Resources of the reason for the leave. In such cases, the City and employee will develop a leave schedule meeting the employee's needs without unduly disrupting the City's operations.
- Intermittent or reduced schedule FMLA leave for childbirth or placement of a child for adoption or foster care is subject to supervisor approval.
- Employees must provide reasonable and practical notice if requiring intermittent or reduced scheduled leave.

Job Restoration and Health Benefits

Prior to being granted leave without pay under this section, an employee must exhaust all paid sick and compensatory leave (unless approved by payroll to distribute paid time throughout FMLA approved absence). In the event of the birth or adoption of a child the employee need not exhaust all paid sick leave (See Policy 3-2).

Health insurance benefits provided by the City for all eligible employees will be continued, at no cost to the employee, as though the employee had continued working during the term of any leave under this section. Any additional medical insurance coverage not normally covered by the City, such as dependent coverage, must be paid by the employee during any such leave in order to continue coverage.

Failure to return at the end of an approved FML will be treated as abandonment of position and employee may be responsible for reimbursement of employee health care costs paid by the City while they were on FMLA designated leave. However, consideration will be given if the reason for not returning was (1) the

continuation, recurrence, or onset of a serious health condition or (2) other circumstances beyond the employee's control.

The City Manager will be notified of any FMLA leave involving Leave Without Pay (LWOP).

Every effort will be made to allow for the employee's return to the same position held prior to the leave. If that position is filled because of business necessity, the employee will be placed in a comparable position. The only exception would be if the City experienced a staff reduction during the leave period.

Additional Information:

Changes to the Family and Medical Leave Act at a federal level that offer greater benefit than that of City policy will take precedence over policy. This policy only highlights aspects of the FMLA and in no way takes precedence over any rights and responsibilities of the employee or the City (employer).

The full Family and Medical Leave Act of 1993 can be found at

<https://www.law.cornell.edu/cfr/text/29/part-825> . Guidance, Fact Sheets and opinion letters can be accessed at: <https://www.dol.gov/whd/fmla/index.htm> .

Adopted: 2/9/87

Rev: 6/88, 8/94, 12/97, 3/04, 11/06, 8/07, 4/08, 5/10, 7/11, 10/15, 02/16, 7/16,

3-8: Jury Duty – Witness Leave

Employees will be allowed necessary time off without loss of pay for jury duty or when summoned to appear or participate in any court case or administrative proceeding as outlined in §2-18-619, MCA. A witness who is served with a subpoena shall attend the hearing at the time stated in the subpoena and unless sooner discharged, shall remain until the testimony is closed. (§26-2-301, MCA) This applies to trials in court, hearings in administrative proceedings and taking of depositions.

A city employee who is subpoenaed as a witness in any type of case or hearing shall collect all fees and allowances payable as a result of the service and forward the fees to the City (§2-18-619, MCA). If a city employee elects to use annual leave to serve as a witness, the employee is not required to remit the witness fees to the City.

The employee is not required to remit any expense or mileage allowances paid by the court. This requirement applies to all subpoenas, regardless of whether or not the action is criminal, civil, an administrative hearing or deposition, or whether the City is a party to the action. Because the subpoena compels attendance as a witness, the City employee must obey it and in doing so is paid regular salary while attending during the time when the City employee would otherwise be scheduled to work, providing the employee has demanded and timely received a witness fee for the subpoena. For those subpoenas issued in civil actions, this means the employee must demand advance payment. If the employee declines or refuses to accept the witness fee or to make a demand for advance payment in civil cases, then the employee is deemed to have accepted the witness fee and has gifted it back to the party requesting the subpoena. In this case, the employee may not be paid salary for appearing as a witness and must take annual leave to receive pay. The timely demand for and receipt of witness fees is a condition precedent to receiving salary from the City while appearing as a witness.

An employee who is subpoenaed to testify at a time outside the employee's scheduled work time is not entitled to be paid a salary while testifying.

The employee is only paid for the time travelling to and from the trial or hearing and the time during which the employee is subject to the subpoena. Once the employee has completed the testimony and is released from the subpoena by the court or the hearing officer, the employee is not entitled to salary for time spent outside this time frame, except for reasonable travel time back to work or home.

When a city employee is a party in a case, as a plaintiff, defendant, petitioner, respondent or legal representative of a party, the employee cannot subpoena himself or herself as a witness. Subpoenas are the legal means to compel persons to appear before a court or hearing and provide testimony. A party does not need a subpoena to appear in that party's case and can testify or not testify as the party chooses.

Jury duty fees paid to the employee for such appearances shall be turned in to the City Human Resources Office or the employee may take annual leave and retain the fee. Employees may keep reimbursements for parking, mileage and meals.

Employees must notify their supervisor as far in advance as possible and provide a copy of the summons. The copy must be submitted with the employees' timesheet for the pay period in which the leave occurs.

Adopted: 2/9/87

Rev: 6/88, 8/94, 3/04, 11/06

3-9: Military Leave

Military Leave Which is Considered Service Time

A period of absence from employment either during a war involving the United States or in any other national emergency and for 90 days thereafter, for one of the following reasons, is considered as service for the purpose of determining the number of years of employment used in calculating vacation leave credits:

- ordered on active duty with the armed forces;
- voluntary service on active duty in the armed forces or on ships operated by or for the United States government; or
- direct assignment to the United States Department of Defense for duties related to national defense efforts if a leave of absence has been granted by the employer.

Military Leave to Attend Training Camp or Similar Training Program. (§10-1-1009, MCA)

An employee who is a member of the organized militia of this state or who is a member of the organized or unorganized reserve corps or military forces of the United States and who has been an employee for a period of 6 months must be given leave of absence with pay accruing at the rate of 120 hours in a calendar year for performing military service. This amount is prorated for part-time employees. City of Helena employees do not accrue paid military leave during leaves of absence without pay unless the leave is for military duty.

Military leave may not be charged against the employee's annual vacation time.

Unused military leave will be carried over to the next calendar year or academic year if applicable, but may not exceed a total of 240 hours in any calendar year or academic year.

Adopted: 2/9/87

Rev: 6/88, 8/94, 11/06, 5/10, 10/15

4. Hours of Work

4-1: Scheduling Hours of Work

This section establishes guidelines for supervisors in scheduling the times employees are to be at their jobs in order to meet the needs of the City and to assure compliance with the Fair Labor Standards Act and appropriate state laws and regulations.

Police officers and firefighters are not covered under this section as it relates to the Fair Labor Standards Act.

Each supervisor will establish the hours of work in a day and days of work in a week for each employee under his/her supervision.

A Day's Work

The normal workday for most City employees is eight hours with an unpaid lunch period of one-half hour to one hour. It is necessary for some departments to have 24-hour coverage in the unit making it necessary to schedule longer shifts. Such "scheduled" shifts shall not total more than 40 hours in a workweek.

Breaks

Generally, employees will be allowed a fifteen (15) minute paid rest break approximately mid-way between their starting time and their lunch period and another fifteen (15) minute paid rest break approximately mid-way between their lunch period and the end of their shift. These break times are a general guideline, dependent on operational needs, and are not a guarantee of a specific number of daily breaks. Breaks may not be combined or used to make up for being late, leaving the workplace early or extending lunch periods.

- Breaks taking longer than 15 minutes will require the use of annual leave or compensatory time.
- Break times are at the discretion of supervisors.

The Workweek

A normal workweek shall consist of no more than forty (40) working hours in a seven (7)-day period. The workweek is defined as Sunday through Saturday. Police and Fire may follow 29 C.F.R §553 and their respective collective bargaining agreements to determine work hours in a work period.

Adopted: 2/9/87

Rev: 6/88, 8/94, 3/04, 8/07, 5/10, 7/11, 10/15

4-2: Overtime/Compensatory Time

FLSA Non-exempt Employees

Employees considered "non-exempt" by FLSA (The Fair Labor Standards Act) must be paid 1-1/2 times their "regular rate" for hours worked in excess of 40 hours in any workweek. Non-worked hours paid for vacation, sick leave or compensatory time will not be counted as hours worked for FLSA overtime calculations.

- All overtime must be pre-approved by the supervisor. Employees may be disciplined if overtime is worked without prior authorization.
- If an employee desires compensatory time instead of overtime pay he/she must request it in writing on a standard time report form. Supervisors may require employees to take overtime pay in lieu of compensatory time or vice versa. Employees will be notified at that time of which method will be used.
- Supervisors must not accept voluntary overtime from employees without paying overtime or granting compensatory time. In other words, if a supervisor is aware that an employee is voluntarily working overtime, the supervisor must direct the employee to stop working or be willing to authorize the overtime.
- All records of compensatory time worked and overtime worked by employees must be indicated on the time report for the period the hours were worked.

- Compensatory time may be accrued. Non-exempt employees may accumulate up to 80 hours of compensatory time unless an exemption is granted by the City Manager.
- Compensatory time and overtime shall be earned, recorded and used in no less than quarter (1/4) hour increments, unless special circumstances are approved by the Human Resources Office.
- Compensatory time may be taken at the request of employees, within a reasonable period after the request is received if the use does not disrupt the operation of the unit. Where the interest of the City requires the employee's attendance, the City's interest overrides the employee's interest to take compensatory time off. The City may require an employee to take accrued compensatory time off during any workweek.
- Accrued compensatory time will only be paid out (1) at the time the employee terminates or is discharged from employment; (2) as specified in the employees labor agreement; (3) for any hours that exceed the maximum allowed accumulation; or (4) on a promotion from a non-exempt to exempt position. The City may, at any time, and at its option, cancel or "cash-out" accrued compensatory time by paying the employee cash compensation for unused compensatory time or by requiring the employee to take the time off.

FLSA Exempt Employees

It is the policy of the City of Helena to allow its employees who are exempt from the Federal Fair Labor Standards Act of 1938 (FLSA, Title 29 USCA, Chap. 8, Sec. 201-219, as amended) to accrue and use exempt compensatory time in compliance with this policy. State and Federal law do not require the City to make the accrual or use of compensatory time available to exempt employees. Exempt compensatory time is not intended to provide any compensation in addition to the salaries established. Rather, it is a means of providing greater flexibility in scheduling time for exempt, salaried employees.

- An employee must obtain approval from his or her supervisor, in advance whenever possible, to work hours which may result in the accrual of exempt compensatory time.
- The employee's supervisor determines whether hours worked by an exempt employee, which exceed 40 in a workweek, will be accrued as exempt compensatory time under this policy. The supervisor may approve or deny the accrual of exempt compensatory time either before or after the hours are worked. Non-worked hours paid for vacation, sick leave or compensatory time will not be counted as hours worked for exempt compensatory time calculations.
- Accrued exempt compensatory time may be taken off by the employee at a mutually agreeable later date during the employee's regular working hours, if the use of the compensatory time does not unduly disrupt the operations of the City and/or department. Where the interest of the City requires the employee's attendance, the City's interest overrides the employee's interest to take exempt compensatory time off. The City may require an exempt employee to take accrued exempt compensatory time off during any workweek.
- Compensatory time shall be earned, recorded and used in no less than quarter (1/4) hour increments, unless special circumstances are approved by the Payroll Specialist.
- A maximum of eighty (80) hours of exempt compensatory time may be accumulated. An employee is prohibited from accumulating exempt compensatory time until the employee's balance, during any given pay period, is reduced below eighty (80) hours, however the employee must continue to report all hours worked for record keeping purposes.
- Employees who are designated as exempt from the overtime provisions shall only be suspended without pay as a disciplinary action for a time period which is in compliance with 29 CFR 541.118a5.
- There shall be no lump sum cash compensation for accrued exempt compensatory time at the time of termination or discharge.
- The City is under no obligation to extend an employee's termination or discharge date to allow an exempt employee to take off accrued exempt compensatory.

Adopted: 2/9/87

Rev: 6/88, 8/94, 12/97, 4/01, 12/03, 11/06, 4/08, 5/10, 5/12, 10/15

4-3: Holidays Worked

Holiday Pay for Holiday Worked

A Holiday is defined as being any 8-hour period of scheduled work time identified by state or federal law. When an eligible employee (see Policy 3-4) is required by management to work on a holiday or the day a holiday is observed, they shall be paid according to one of the two options outlined below at management's discretion. The employee may either:

- Receive the regular rate for all hours actually worked on the holiday and bank the holiday benefit hours actually worked (up to the maximum of eight) to be usable at a later date; or
- Receive one and one half times the regular rate for the hours actually worked on the holiday and receive holiday benefit hours paid at the regular rate.

Employees who request to work on a holiday with the supervisor's approval, will receive the regular rate for all hours actually worked on the holiday and bank the holiday benefit hours actually worked (up to the maximum of eight) to be usable at a later date.

All banked holidays must be used by the end of the calendar year in which they were banked unless otherwise stated in a collective bargaining agreement.

Scheduled Holidays for Employees on Shifts Longer Than 8 Hours

For those employees who are on a shift longer than eight hours, holiday time will only be paid for eight hours. The hours over eight are accounted for by either working, or taking vacation or compensatory leave.

An employee will be allowed to take a holiday on another day if the holiday falls on an employee's regular day off.

Holiday Hours Worked (Exempt employees)

Exempt employees that choose to work on a holiday will be entitled to holiday time and will receive straight comp time for all hours worked on the holiday.

Adopted: 2/9/87

Rev: 6/88, 8/94, 3/04, 4/08, 5/10, 10/15, 11/16

4-4: Time Reporting/Pay Period

It is the goal of the Human Resources Office that each employee receives correct paychecks on a consistent schedule.

All employees are paid every two weeks for a total of 26 payments in a year.

Payments are made every other Friday for the preceding two weeks of employment.

Employees leaving the service of the city for any reason shall receive their final pay on the next regularly scheduled pay date following their separation from employment.

Time Reporting Procedures

- Time report forms will only be those designated by the Human Resources Office.
- Employees are responsible for completing their time report forms and giving them to their supervisors at the end of the pay period. Employees should make sure that their time report is correct prior to submission. If an employee fails to submit a time report by the scheduled deadline for processing (Departments/Divisions may have set their own deadlines which give them enough time to enter and balance their group(s) and meet the deadline for submission to the Human Resources office), the employee will not receive payment until the pay period following proper submission. See §39-3-204 (3), MCA.
- Supervisors are responsible for certifying time reports are correct by signing each time report form or the approved summary sheet.
- Time report forms are due in the Human Resources Office no later than 10:00 a.m. (3:00 p.m. for remote reporting) on the Friday before the last day of the pay period. Changes are to be submitted in writing or by email to the Human Resources Office no later than 10:00 a.m. Monday. Time reports may be requested earlier because of holidays or other special circumstances.

- All leave requests, overtime and compensatory time records and any other special information relating to the time reporting period shall be maintained in the department.

Corrections to Time Report Forms

- Any changes to the time report forms must be initialed by both the supervisor and the employee.

Special Payroll Checks because of Errors

- It may not always be possible to issue a corrected paycheck immediately in cases of incorrect pay. Each instance will be evaluated at the time, considering the amount of the error, effect on the employee, and/or the time needed to correct the error and issue a new check.
- In all instances corrections will be made by the following pay period.

Adopted: 2/9/87

Rev: 6/88, 8/94, 4/01, 3/04, 11/06, 5/10

4-5: Relationship of Personnel Policies to the Fair Labor Standards Act

All employees are considered "non-exempt" under the Fair Labor Standards Act unless they are "exempt or non-covered" as determined by the Human Resource Office.

Not all employees of state and local governments are affected by the Fair Labor Standards Act (FLSA). Certain employees simply are not covered by the Act (i.e., non-covered employees). Other employees, while covered by the FLSA, are exempted by specific provisions of the Act (i.e., exempt employees).

Non-covered employees include elected officials and their personal staffs, policy-making appointees, legal advisors, legislative employees, bona fide volunteers, independent contractors, prisoners and certain trainees. Exempt employees generally fall into 3 major categories:

- Executive
- Administrative
- Professional

The Human Resources Office reviews what an employee does and compares the duties and responsibilities to tests provided by law to determine the "exempt" or "non-exempt" status of all employees.

Any questions regarding the FLSA status of a position should be referred to the Human Resources Office.

Adopted: 2/9/87

Rev: 6/88, 8/94, 3/04, 10/15

5. Classification and Compensation

5-1: Position Classification/Position Description

Numerical grades are provided for each job classification that references the annual pay scale matrix. Compensation is in accordance with job responsibilities.

Position Classification

Position Title and pay grade will be determined from a written position description in which duties, responsibilities, and requirements are detailed. It is the responsibility of the Human Resources Director to determine appropriate pay grade and position title with a final determination made by the City Manager.

Job Description

Every regular full and part-time employee working for the City of Helena will have a written position description. It is the responsibility of the supervisor and department head to establish position descriptions for all employees under their supervision. The position description is a description of the major duties and responsibilities of the position and is updated periodically.

Every regular full and part time employee will sign and be provided a copy of their position description.

Requirements for Commercial Drivers License

Position descriptions should reflect which positions require a Commercial Drivers License and are therefore subject to U.S. Department of Transportation (USDOT) and the City of Helena's FTA & FMCSA Drug & Alcohol Policy.

The following positions have been identified as requiring a commercial driver's license:

- Bus Drivers and Bus Driver/Dispatchers
- Drivers of on-road heavy equipment
- Drivers of solid waste collection trucks
- Employees transporting hazardous materials
- Mechanics working on CDL covered equipment

Reclassification of employees

Requests for reclassifications are due to the Human Resources office by the date specified in the e-mail from the Human Resources Director (usually end of December or beginning of January). It is the responsibility of the City Manager and Human Resources Director to make the final determination of title and pay. Reclassifications are generally implemented effective July 1st. Employees reclassified will make any eligible step change on July 1st and then be reclassified at that step in the new grade. As an example, if the employee were at step 3 of their current grade, they would move to step 4 on July 1st and then be placed at the appropriate step of their new grade.

Reclassifications due to salary survey or market adjustments may or may not include the step increase as described above. Employee will generally be placed at a step for the new grade that gives them at least the amount of increase due to any step increase at the old grade.

Adopted: 2/9/87

Rev: 6/88, 8/94, 2/97, 3/04, 11/06, 5/10, 7/11, 5/12, 10/15

5-2: Compensation Step System

The Step System provides a systematic pay raise system for employees and is based on the City of Helena Pay Matrix, which is reviewed and updated July 1st of each year.

The schedule for step increases is located on the following page.

Eligible Employees

REGULAR FULL-TIME

REGULAR PART-TIME

Beginning Salaries - New Hires, Promotions and Demotions

Generally, a new hire will start at step one (1) of their established pay grade and future increases will follow the time outlined in Policy 5-2 or union contract. In the event an employee starts at a step above step one (1) but below the maximum, he/she will be eligible for a step increase after successfully completing their twelve (12)-month probationary period and any future increases will follow the time line outlined in Policy 5-2.

When a promotion results in a position being filled with a current City employee, the employee will be placed at a step of the new grade that gives the employee at least a five percent (5%) salary increase, but not to exceed the maximum for the grade. If the change is lateral in grade, the employee shall retain their current step. The employee will serve a one-year probationary period in the new position. A step increase will occur at the completion of the probationary period and then follow the timeline outlined in Policy 5-2.

In the event an employee is involuntarily moved to a lower rated position they will retain their current salary for a period of three (3) months after which their salary will decrease to the new grade at the step closest to their previous salary.

In the event an employee applies for and is appointed to a lower rated position or is demoted for disciplinary or performance reasons, their salary will immediately decrease to the new grade at the step closest to their previous salary.

This is a general policy statement. The final decision in all cases will be left to the City Manager.

Compensation step system chart:

Hired/promoted on or after:	Months in 1st step	Months in 2nd step	Date to 3rd step
January 1	All spend 12 months at 1 st step	6	July 1
February 1		5	July 1
March 1		4	July 1
April 1		15	*July 1 the following year
May 1		14	*July 1 the following year
June 1		13	*July 1 the following year
July 1		12	July 1
August 1		11	July 1
September 1		10	July 1
October 1		9	July 1
November 1		8	July 1
December 1		7	July 1

* Employees reaching Step 2 before April 1 will be considered for an increase to Step 2 on July 1 of the same year. If an employee reaches Step 2 on or after April 1, the employee would not be eligible for an increase to Step 2 until July 1 of the following year.

Adopted: 2/9/87

Rev: 6/88, 8/94, 2/97, 3/04, 11/06, 5/10, 7/11, 5/12, 10/15

6. Employment

6-1: Recruitment and Selection

This section covers regular full-time and regular part-time employees only.

Recruitment

1. When a vacancy occurs or a new position is established in a City department, the department head will send a written request, on the approved form, to the Human Resources Office to advertise. All requests require that the current position description has been reviewed and if any changes are made, it must be sent electronically to Human Resources with or before the job posting request. The completed request must be signed by the Department Head, the Human Resources Director and the City Manager. All vacancies will be advertised for a minimum of three (3) days. Recruitment notices will always be distributed to City departments via email for posting.

A Department Head may request that the position be advertised internally only. The City Manager will make the final decision. As a general rule, positions will be advertised internally and externally at the same time.

Police and Fire department vacancies for all sworn positions will follow the established testing cycles and by-laws of the corresponding consortiums.

2. Applications are accepted in the Human Resources Office and are retained for two (2) years. Applications will not be accepted unless actual recruitment is in progress.
3. The Human Resources Office will work with the open position's supervisor to determine the review criteria, the review method to be used and interview questions.
4. The Human Resources Office is responsible for screening out applications that do not meet minimum qualifications of the position being advertised, and any further screening necessary to reduce the number of applications to a reasonable number.
5. Generally a group of 2-3 people will review the applications that meet minimum qualifications. It is encouraged that the immediate supervisor is the "Chairperson" for the review and interviews. Most positions will have application and review criteria available electronically for the review members.
6. Committee members will meet with a member of the Human Resources Office prior to beginning the selection process if they have not participated in this review process before.
7. The review committee will individually or collectively screen the applications on the approved criteria and submit their analysis back to the HR Office. An HR staff member will review, combine, and/or request corrections or re-reviews. With the assistance of the HR staff member, the committee will use the results to determine which applicants will be invited to initial interviews.
8. It is the responsibility of the interview committee (generally 3-5 members) to select two (2) or more of the highest or best qualified candidates for a vacant position to participate in a final interview conducted by the City Manager and/or Department Head, the supervisor and the Human Resources Director (or assigned staff member). The committee collectively determines whether each candidate moves on to a final interview or does not move on to a final interview. The interview committee must document appropriate job-related justification of their decision for each interviewee and return all documentation to the HR Office.

It is also the responsibility of each committee member to maintain complete confidentiality. Any information released will be done through the Human Resources Office. Committee members are not authorized to release any information such as applicant names, applicant employment history, interview questions, etc. (this is not an all-inclusive list).

9. The final interview committee will conduct interviews and make a collective determination whether each candidate will be offered the position, not hired, or is a second choice. These decisions must also be justified for each interviewee. If the City Manager was not one of the final

interview committee members, the hiring recommendation will be submitted to him/her to make the final employment decision. The recommendation of the committee is given strong consideration along with input from the Human Resources Director (or assigned staff member), the supervisor and the Department Head.

10. Any of the steps above can be modified, added to, or removed only with the approval of the HR Director or HR Specialist, for reasons such as differing department needs, lack of applicants, or too many applicants.
11. After the job offer has been made and accepted, the new employee will undergo an initial orientation in the Human Resources Office covering such items as personnel and general safety policies, rules, available benefits, payroll and completion of required employment forms. When the employee reaches their assigned department they will undergo a more detailed orientation of specific department policies, safety rules policies, procedures, normal break and lunch times, how to complete standard time sheets, and shown where information and statutorily required notices are generally posted.

Internal Staffing of Positions

In the final selection of an applicant (where there are external and internal candidates), if the qualifications, skills and experience are equal, City employees may be given preference over an outside applicant.

Temporary and “On-Call” Positions

Temporary and on-call positions will be filled by each department having the openings and shall not be subject to the formal City Selection Process. However, any prospective seasonal employee that is a close relative of a current City employee must receive approval from the City Manager prior to hire.

Departments are encouraged to confer with the Human Resources Office concerning any questions on employment and/or eligibility.

Adopted: 2/9/87

Rev: 6/88, 8/94, 3/04, 10/05, 11/06, 4/08, 5/10, 7/11, 5/12, 1/13

6-2: Moving and Relocation Allowance

The City of Helena provides relocation assistance to employees at or above the Director’s level that must relocate their legal residence as a result of either being newly hired or accepting a promotion within the City organization (there is an IRS minimum of 50 miles). Other positions may be considered on a case-by-case basis. The relocation of a residence is a costly and time-consuming process. It is the intent of the City of Helena to generally identify the expenses that will be paid and the administrative practices necessary to account for these expenses. The City Manager (or interim City Manager) is the only individual with the authority to commit to relocation reimbursement and can approve either advance or reimbursement payments.

Cost for Movement of Household Goods and Personal Effects

The City may pay reasonable expenses incurred in moving the employee from his/her existing residence to his/her new residence, up to a maximum of \$ 3,000.00 for Director level and above positions.

The City may pay reasonable expenses incurred in moving the employee from his/her existing residence to his/her new residence, up to a maximum of \$ 1,000.00 for positions below Director’s level. The decision to pay moving and relocation expenses is made on a case-by-case basis; it depends on the position, department budget and does not establish a practice.

Covered expenses may include:

- Carrier transportation by an approved carrier for normal household goods and personal effects, excluding motor vehicles, boats, recreational vehicles, livestock, plants, perishables, explosives, firearms, outdoor structures, items of exceptional value, or any item in which the moving costs exceed its value;
- All direct travel costs to the new residence for the employee and other family members living in the household as long as the route chosen is the one most direct. Meal and lodging costs incurred while in transit will also be paid for family members living in the household.
- If subsequent to the employee's move to Helena, it is necessary for the employee and his/her family to find temporary lodging, the costs of such lodging and meals can be included.

- Transportation of one (1) motor vehicle, which will be reimbursed at the current rate per mile.

Throughout the relocation, the employee is required to keep a record of allowable relocation expenses incurred along with receipts. Reimbursement of allowable expenses will be paid on the paycheck for the pay period in which receipt of an expense report accompanied by the required paid receipts is received. The expense form should contain only relocation and forwarded to the Human Resources Department for review and approval.

If the employee voluntarily terminates the position or is involuntarily discharged before the completion of the 12 month probationary period, the employee may be required to reimburse the City of Helena at the rate of 1/12 of the paid costs for each uncompleted month or major fraction thereof. Employees who are laid off from their positions will not be required to repay any relocation expense paid on their behalf.

*Adopted: 4/08
Rev: 10/15*

6-3: Employment of Relatives

Appointments of individuals to positions in the City work force are for reasons of merit.

The employment of relatives of current City employees is discouraged within the same division. For purposes of this policy, a relative is defined by §2-2-302, MCA as a person that is connected by consanguinity (blood) within the fourth degree or by affinity (marriage) within the second degree. Relatives would be prohibited from being appointed to a position where one employee would supervise a relative. Departments should consult the Human Resources Office for questions on relative hiring.

Supervision is defined as having the authority to oversee and direct work assignments, assign tasks, schedule hours of work, determine rate of pay, evaluate work performance, and hire, terminate, or discipline employees.

Employing relatives, as defined above, of current City employees requires the approval of the City Manager prior to being offered employment with the City.

It is the responsibility of each employee of the city to abide by this policy and to disclose situations involving a conflict of interest or the possible appearance of a conflict of interest to his or her supervisor. Please refer to the chart below.

City of Helena Consanguinity and Affinity Relationship Chart

EMPLOYEE					
Consanguinity (Includes individuals related by blood to the Employee)				Affinity (Includes the Employee's Spouse and individuals related to the Spouse)	
First Degree	Second Degree	Third Degree	Fourth Degree	First Degree	Second Degree
Father	Grandparents	Uncles or Aunts	First Cousins	Spouse	Spouses Grandparents
Mother	Grandchildren (and spouses)	Nephews or Nieces	Grand Nephews and Nieces	Spouses Father or Mother	Spouses Grandchildren
Sons (and spouses)	Brothers (and spouses)	Great Grandchildren	Grand Uncles and Aunts	Spouses Sons or Daughters	
Daughters (and spouses)	Sisters (and spouses)	Great Grandparents	Great-Great Grandparents		

Employee is the starting point from which all degrees of relationship are calculated.

Under the Degrees of Consanguinity, where "and spouse" is indicated, the relationship of that spouse is in the same degree as that of the person related by consanguinity, but the spouse is related only by affinity.

Adopted: 2/9/87

6-4: Physical Requirements

This section covers regular full-time and regular part-time employees.

Following an employment offer to a position with the City of Helena, a selected applicant may be required to pass a pre-employment physical examination. Positions requiring such an examination must have job-related physical standards documented in the position description. The City will pay for such examinations.

Department heads may require an employee to have a physical examination at any time after determining that an employee's job performance may be affected by health problems. An employee may also be required to have a physical examination upon accepting a new position which has job-related standards documented in the job or classification description. Such examinations shall be at the City's expense. The City may designate the physician to conduct such an examination.

Employees in certain positions may be required to pass a physical examination periodically to meet the physical fitness standard requirements of their job. Such an examination shall be at the City's expense and the physician may be designated.

"Reasonable Accommodation" must be considered for any employee or applicant who is otherwise qualified for a position. This includes employees who become physically unable to perform duties during employment. Requirements will be evaluated on a case-by-case basis. Employees are required to make requests as soon as they are aware of a physical condition that may limit their ability to perform an essential function of their position. This information should be provided to the Human Resources Director, who will work with the supervisor and Department Head. Employees may be required to use personal leave until the results of the physical exam are obtained and evaluated.

Adopted: 2/9/87

Rev: 6/88, 8/94, 3/04, 4/08

6-5: Types of Employment

This section defines and clarifies the different categories of employment as provided by state law and this handbook unless specifically excluded.

See Section 2 for benefit entitlement for employment categories below.

Following are the different categories of employment:

Regular Full-Time

An employee with a full-time schedule of at least 2080 hours per year or 40 hours per week in a position which is considered to be permanent.

Regular Part-Time

An employee with a part-time schedule of less than 2080 hours per year in a position not considered to be temporary. There are several regular part-time employment schedules which may include but are not limited to:

- part-time, 20 hours per week, 12 months per year
- part-time, 25 hours per week, 12 months per year
- part-time, 32 hours per week, 12 months per year
- part-time seasonal, 40 hours per week, 6 months per year
- part-time seasonal, 40 hours per week, 8 months per year

Employment in regular part-time positions continues from year to year. Seasonal positions perform duties that are interrupted by the seasons and employees are in a non-pay status during the period(s) they are not working and have not terminated their employment or been discharged from employment.

Temporary

- **Temporary short-term** – any seasonal position, temporary help and special project work that is not expected to exceed a six (6) month period of time.
- **Temporary long-term** – any seasonal position, temporary help and special project work that is

expected to last more than a six (6) month period of time, but not to exceed twelve (12) months. Generally performs temporary duties or regular duties on a temporary basis and is terminated at the end of temporary period. An extension may be granted for special circumstances with the Department Head, Human Resources Director and the City Managers approval.

- **On-Call** – called when needed or intermittently.

Grant Funded employee

An employee who's schedule and/or length of employment is dependent on receipt of a grant or external funds. Benefits associated with this position will be dependent on length of expected employment. A position with an expected employment period greater than 12 months will receive benefits described for a Regular employee; less than 12 months will receive benefits described for a Temporary employee.

Adopted: 2/9/87

Rev: 6/88, 8/94, 4/08, 5/10, 5/12, 10/15

6-6: Probationary Period

This section covers Regular Full-Time and Regular Part-Time Employees. Temporary employees are considered probationary during their full hire period.

- All new regular employees shall be considered probationary until they work a minimum of twelve (12) months.
- Probationary employees will be formally evaluated at six (6) months of employment and one (1) month prior to the completion of their probationary period. However, a supervisor is not limited to this number and is encouraged to conduct a performance evaluation at any time during the probationary period to help the employee improve his or her performance.
- During the probationary period, the employee will receive appropriate training and guidance to assure that the employee is given every opportunity to adjust and perform the position satisfactorily.
- If an employee is found unsuitable for a position during the probationary period the employee may be discharged.
- An employee ends their probationary status upon successful completion of the twelve (12) – month probationary period as defined above. An evaluation indicating satisfactory performance will be submitted by the supervisor through the department head to the Human Resource Office prior to the end of the probationary period.
- If a probationary employee uses more than 40 consecutive hours of sick leave, leave without pay or is unable to work due to an on the job injury, the probationary period will be extended by that length of time. Such time will be documented in the employee's official personnel file in the Human Resources Office.
- A current city employee promoted to a new position shall serve a new twelve (12) month probationary period for the new position. (see Policy 6-8) If an employee is found unsuitable for the new position, the employee may be placed back into the position held prior to the promotion if there is a vacancy. Salary would be reduced, placing the employee at the salary they were at prior to the promotion. If there is no vacancy or like position available, the employee may be discharged for just cause.

Adopted: 2/9/87

Rev: 6/88, 8/94, 3/04, 11/06, 4/08, 7/11, 5/12, 10/15

6-7: Continuous Service Time

The following types of employment will be creditable towards continuous service with the City of Helena:

Regular Employees

All time worked as a regular employee either full-time or part-time without a break of service of (5) five days as provided by State law. An approved continuous leave of absence without pay does not constitute a break in service. (§2-18-601 (2), (4), MCA).

Temporary Employees

Employees hired for a regular full time or part time position without a break in service of five (5) days as provided by state law between the temporary position and the regular position will have all time worked in the temporary position counted for continuous City service time. An approved continuous leave of absence without pay does not constitute a break in service. (§2-18-601 (2), (4), MCA).

Adopted: 2/9/87

Rev: 6/88, 8/94, 3/04, 4/08, 10/15

6-8: Promotions

It is the policy of the City to provide promotional opportunities to employees when possible.

A promotion is defined as any movement of an employee from a grade on the City Pay Matrix to a higher grade resulting in higher pay. Promotions can occur for the following reasons:

- A competitive promotion process (also see policy 6-1).
- Participating in a department's advancement policy process.
- Temporary Promotion: A temporary promotion may be granted to an employee who assumes most of the duties of a higher range position for 30 days or more. A status sheet shall be submitted to the Human Resources Office indicating the temporary promotion, the name of the absent employee, and the estimated length of the promotion.

The employee shall be placed in the higher range at a step that will provide the employee at least a 5 (five) percent increase not to exceed the maximum for the new range.

Upon completion of the temporary promotion another status sheet shall be submitted to the Human Resources Office returning the employee to their previous position and pay.

Adopted: 2/9/87

Rev: 6/88, 8/94, 2/97, 3/04, 4/08, 5/10, 10/15

6-9: Resignation and Retirement

This section covers Regular Full-Time and Regular Part-Time employees.

Resignation

Resignation is a termination action initiated by the employee.

1. An employee who intends to resign from a position with the City is expected to submit a letter of resignation to his/her supervisor stating the effective date and the reason for the resignation.
2. Employees are asked to give at least 14 days notice before leaving. Department heads are asked to give at least 30 days notice.
 - a. In addition to meeting with Human Resources Staff concerning items in subsection 5 below, the employee is required to complete an exit interview form and review it with Human Resources staff prior to their last day worked. It is also acceptable for supervisors, department heads or the City Manager to meet with employees prior to their exit from city employment for informal exit interviews.
3. Group health insurance will remain in effect and the employee may elect to continue coverage under the COBRA law as stated in Policy 2-1.
4. Vacation and sick leave accrual payout at time of resignation will be paid in accordance with state law. Employees will be required to be paid out for all eligible sick leave, (non-exempt) compensatory time and vacation leave balances at time of resignation.

All employees are required to return all City property to the department upon termination, discharge or retirement.

5. The Human Resources Office must be notified by the employee of his or her intentions for the following items:
 - Continuing medical insurance
 - Withdrawal of retirement funds

- Miscellaneous deductions such as flex, deferred compensation, etc.
- Change of mailing address, if any

Retirement

Retirement is a termination action initiated by an employee who meets the basic eligibility requirements of the employee's appropriate retirement system.

1. Any employee who is planning to retire from City employment is required to submit a letter of intention to his/her supervisor at the earliest possible date. The employee should be aware that some retirement systems take several months to review a case before compensation is released to a retired person. The Human Resources Office should be involved at the earliest possible date.

Employees should also contact the Public Employees Retirement office at the earliest date to assure prompt payment of benefits.

2. All City property must be returned to the department.

In addition to meeting with Human Resources Staff concerning items in subsection 5 below, the employee is required to complete an exit interview form and review it with Human Resources staff prior to their last day worked. It is also acceptable for supervisors, department heads or the City Manager to meet with employees prior to their exit from city employment for informal exit interviews. Employees will be given an exit interview form to complete which may be used as part of the exit interview.

3. Group health insurance will remain in effect as per Policy 2-1. Retired employees may continue to receive group health benefits at their own cost. (See Policy 2-1)
4. Vacation and sick leave accrual payout at time of retirement will be paid in accordance with state law. Employees are required to be paid out for all sick leave, (non-exempt) compensatory time and vacation hours at time of retirement.
5. The Human Resources Office must be notified of employee's intentions for the following items:
 - Continuing medical insurance
 - Miscellaneous deductions such as flex, deferred compensation, etc.
 - Change of mailing address, if any

Adopted: 2/9/87

Rev: 6/88, 8/94, 3/04, 11/06, 4/08, 10/15

6-10: Reduction-in-Force

Reduction-in-force is an action by the employer ending the employment relationship which is generally a result of insufficient funds and is not a disciplinary action. This covers regular employees only.

The following paragraphs cover regular employees only.

- No regular employee may be laid off when there are emergency, provisional, temporary, or probationary employees in the class of work affected by the reduction in work force.
- Department Heads must give an employee at least 30 days notice.
- An employee who has been separated due to a reduction-in-force continues to earn length of service time for six months from the date of separation. If re-employed within the six-month period they will not suffer a break in service.
- Employees who have been separated due to a reduction in force shall have priority in re-employment to their position or a similar position for which they are qualified for, for up to one year from the date of separation if prior performance was satisfactory.

Adopted: 2/9/87

Rev: 6/88, 8/94, 3/04, 5/12, 10/15

7. Employee Development

7-1: Performance Evaluations

Performance evaluations will be conducted on every full-time and part-time employee in a regular position. The purpose of the evaluation is to maintain and encourage improved performance and to recognize outstanding performance.

Temporary employees should also receive performance evaluations at the end of their employment. This may be done in the comments section of their final status sheet or an attached evaluation form. The purpose of this evaluation is to determine eligibility for rehire.

Performance Evaluation Rating Criteria

Performance evaluations should be based on job descriptions and specific established goals and timetables. Rating criteria are included in all performance evaluation templates. The number and specific criteria in an evaluation vary by the type of job.

Supervisors should review items that employees will be evaluated on with new employees when they begin working for the City as part of the onboarding process.

Evaluation Process

A. Evaluation Period:

The City of Helena's performance evaluation period is from the date of hire through each succeeding anniversary date. The evaluation period will change based on an employee's promotion, transfer or demotion into a new position.

Supervisors are encouraged to evaluate employees any time there is an indication of poor performance or when more formal feedback is needed. Employees must receive evaluations at a minimum of every 12 months, but a supervisor may evaluate as frequently as they determine necessary for specific employees.

B. Evaluation Period for Employees:

1. six months from date of hire, promotion, transfer or demotion and
2. one year from date of hire, promotion, transfer or demotion and
3. annually every date thereafter

C. Evaluation Procedures:

1. Inform the employees of the duties and responsibilities to be assessed along with measurable goals and specific timelines for goal achievement.
2. Make written comments explaining all ratings.
3. Provide employees with the opportunity to review ratings and supporting comments, when completed.
4. Advise employees of the right to submit a written response to be attached to the evaluation form.
5. Make a copy of the written evaluation and any comments available to the employee.
6. Send original signed evaluation form along with any employee comments to the Human Resources Office for filing in the employee's personnel file.

Employee/Supervisor Review of Performance

Performance evaluations will not be placed in an employee's file without first being reviewed and discussed with the employee. Evaluations must be signed by both the supervisor and the employee.

If an employee refuses to sign the performance evaluation, a statement to that effect will be made in the space reserved for the employee's signature. The evaluation will be placed in the employee's file with that acknowledgment and without the employee's signature.

Employees may not grieve the content of a performance evaluation or the reviewer's comments.

However, employees may make a written response to their performance evaluation. This will be filed in the employee's personnel file attached to their evaluation. If an employee chooses to submit a response, the employee must submit their comments within **10 working days** of the evaluation meeting with their supervisor.

All appropriate signatures should be on the form before being submitted to the Human Resources Office for review.

All ratings must be supported by supervisor's comments.

Supervisors are encouraged to attach statements to the evaluation form if there is not enough space on the form for appropriate comments.

Employees may make rebuttal comments in writing and submit with the evaluation form.

Records

- A. A copy of the performance evaluation and rebuttal comments, if any, shall be retained in the employee's personnel file for a minimum of 3 years after the evaluation and for a minimum of 2 years after the last date it was used in an employment decision. The evaluation may be retained for a longer period at the City's discretion.
- B. Supervisors shall keep evaluation information confidential, except where necessary:
 - in work-related discussion with superiors;
 - in work-related discussion with prospective employers of the employee (must be authorized by the employee), general discussions with prospective employers are allowed. The actual ratings must not be discussed without the employee's written authorization.
 - when disclosure is required in administrative or court proceedings.

Any questions concerning the performance rating process should be addressed to the Human Resources Director.

Adopted: 2/9/87

Rev: 6/88, 8/94, 2/97, 3/04, 4/08, 7/11, 5/12, 10/15

7-2: Tuition Reimbursement Program

The City of Helena recognizes that employee education and employee development are integral components of work performance and are inherently tied to the city's mission, goals, strategic planning, workforce planning and the provision of services to the public. Tuition reimbursement may be granted for courses that are work-related, that maintain or improve the skills required by employees in their employment, that may be necessary for the anticipated needs of the City, or that may make employees more valuable to the organization. No tuition reimbursement will be granted to repeat a class. Courses must be taken at an accredited college, a university, an approved trade school, an accredited "on-line" university or an approved technical school. When questions arise concerning whether or not a course qualifies under the plan, they will be decided by the City Manager in consultation with the employee's Department Head and the Human Resources Director.

Courses do not qualify as work-related if they are, 1) needed to meet the minimum requirements of the employee's current job; 2) will lead to qualifying the employee for a new trade or business; or 3) are to fulfill general aspirations for personal reasons by the employee.

This policy is not a guarantee that funding will be available. Funding availability depends on training budgets within each department. Departments are not required to allocate funding for the tuition reimbursement program. Available funds will be distributed on a non-discriminatory basis.

Before enrolling in a course, an employee must apply for education reimbursement (form available in the Human Resources Office) and have it approved by his/her supervisor, Department Head and the Human Resources Director. Final approval will be determined by the City Manager.

The maximum amount of reimbursement per fiscal year is based on an employee's years of service. Employees must have successfully completed their one-year probation period before they are eligible for this benefit.

- The maximum annual reimbursement amount for undergraduate courses is **\$750** during the second through fourth years of service and **\$1,500** during the fifth year and each year thereafter.
- The maximum annual reimbursement amount for graduate courses is **\$1,000** during the second through fourth years of service and **\$2,000** during the fifth year and thereafter. Reimbursement for Graduate classes shall be subject to Internal Revenue Service rules governing educational assistance programs (Section 127). Specifically, reimbursement received for graduate credit is not exempt from the income exclusion under Section 127, and must be reported to the IRS as income for the employee.

Reimbursable expenses include tuition, certain administrative fees, laboratory and technical fees, and required textbooks (up to \$100 per course). Incidental fees, such as parking permits, supplies, and recreation fees/activity fees are not covered under this program.

Reimbursement will be made upon successful completion of the course (a grade of "C" or better or a "pass" for a pass/fail course). In order to receive payment, the employee must provide a copy of the official grade report and all relevant receipts to the Human Resources Office. To obtain reimbursement, the employees must still be employed by the City of Helena at the time reimbursement is paid.

Because this benefit is offered to employees to maintain or improve their required skills and to encourage their further development while increasing their contribution to the City, any employee who voluntarily leaves employment with the City within twenty-four (24) months of receiving any tuition reimbursement will be required to repay tuition paid on his/her behalf to be set at the rate of 1/24 of the total amount for each month (or major portion thereof) the termination or discharge date falls short of fulfilling the twenty-four month requirement. Any deficiency owed under this program becomes immediately due and payable at the time of termination or discharge. By accepting tuition reimbursement, the employee grants the City the right to deduct any deficiency from any monies due and owing the employee including, but not limited to paychecks, expense checks or payout of accrued leave time.

*Adopted: 9/26/06
Rev: 5/12, 10/15*

8. Employee Ethics and Conduct

8-1: Personal Appearance

Employees should portray a positive image to the citizens of Helena. Often, the contact City employees have with the public is the only contact made and thereby provides citizens the only image they have of City operations in general.

It is the policy of the City that department heads may set dress standards for their department. Employees in departments that do not require uniforms will at a minimum have a standard of appropriate business casual dress. Employees working in an office environment are allowed to wear blue jeans on Fridays only unless otherwise authorized by their supervisor. Jeans must be in good repair and will not be torn or faded. Attire that contains tobacco, alcohol, sexually suggestive or offensive language or pictures are prohibited.

If an employee's appearance and/or hygiene and grooming is such that it is generally offensive, a supervisor will discuss the subject with the employee.

*Adopted: 2/9/87
Rev: 6/88, 8/94, 5/10, 7/11, 5/12*

8-2: Personal Use of Phones at Work

Management recognizes that it may become necessary to use the City phone system and City provided or personal cell phones for personal business at times.

All employees are expected to limit the number and length of personal calls (incoming or outgoing). This includes use of personal cell phones as well as text messaging. Department heads, with the approval of the City Manager, may set personal telephone call and general personal cell phone usage/texting standards for their department that may be more restrictive than this policy.

Following are examples of calls and texting generally considered acceptable:

- Arrange for care of children.
- Check on a sick family member or arrange for care of a sick family member.
- Arrange for property repairs such as plumbing, car, etc.
- Any local personal call during break time on the City phone system as long as it does not tie up the telephone lines into the office.
- Any personal emergency situation.

All personal telephone calls and text messaging should be kept to an absolute minimum while on paid City time.

*Adopted: 2/9/87
Rev: 6/88, 8/94, 11/06, 4/08, 10/15*

8-3: Cellular Devices

The purpose of this policy is to establish requirements for business use of cellular devices, both City issued and private owned and to establish approval requirements and procedures for paying for business use of personal cellular devices and services. Cellular devices and services or reimbursements are provided to employees for official City business use only, and are issued when operational benefits outweigh costs and only upon approval of the Supervisor, Department Head and the Human Resources Director.

Employees who are issued a City phone or use a private owned device covered under this policy should be aware that the phone number is not private and may be accessed by the public. Any communications, including data communications, may be public record and subject to disclosure when legally required.

Definitions

Cellular device: A portable device, including cellular telephones or devices, wifi/internet based devices and other data devices, with cellular or wifi communications capability.

City provided device: A cellular device supplied and owned by the City. The City is responsible for payment, maintenance and replacement of the device.

City partially funded private device: A cellular device owned by the employee. The employee is responsible for payment, maintenance and replacement of the device. The employee receives a stipend as detailed in this policy. Employees who receive a monthly fixed stipend are responsible for the cellular phone contract and payment of monthly fees, all state, local and federal taxes, and any additional charges that are incurred through the use of an employee's phone.

Essential personal calls: Personal calls of minimal duration such as calls to arrange for unscheduled or immediate care of a dependent, a family emergency, or to alert others of an unexpected delay due to a change in work.

Occasional use: Incidental and/or occasional use of a personal cell phone for City business does not generate a charge to the City and does not qualify for reimbursement under this policy.

Requirements for Issuing City Devices

Cellular devices may be issued when it is more cost effective and efficient than landlines/desk phones, pagers and radios. City provided devices are issued to a work group. A single individual within a work group may be assigned responsibility for a work group device. Personal use of city devices must be limited to essential personal calls.

Requirements for Reimbursement of Private Device Costs

If a private cellular device is used for business purposes, a reimbursement claim may be authorized by the Department Head through the Supervisor.

The following is a list of possible reasons that a reimbursement may be approved:

- Employee's job requires immediate or on-call availability.
- Employee's job requires them to be in the field and away from a phone for frequent or extended periods of time and the nature of the job requires availability via cellular device.
- It is either more efficient or is essential for the performance of their job duties.
- Other business reasons.

Reimbursement Amounts, Process, and Responsibilities of the Employee

Fixed Monthly Rate/Stipend: The fixed monthly rate will be determined by the Department Head and/or Supervisor based on the following tiered amounts, according to expected usage and need;

\$40 per month, \$30 per month, \$20 per month, \$10 per month

Employees who receive a monthly fixed stipend are responsible for the cellular phone contract and payment of monthly fees, all state, local and federal taxes, and any additional charges that are incurred through the use of an employee's phone.

Employees who receive a monthly fixed reimbursement are required to notify their Supervisor within 24 hours if changes to the phone number have occurred or if the phone has been disconnected. The Supervisor is required to notify the Human Resources Director at that time.

The City will reimburse an employee for the purchase of their phone and other related accessories not to exceed \$100.00. Employees may submit for reimbursement every 2 years for the purchase of a replacement phone. Receipts must be submitted before any reimbursement is processed.

The reimbursement will be paid on the employee's paycheck and is taxable wages. In some instances an employee may be able to deduct business use of a personal cell phone on their personal taxes. The employee is responsible for talking with their tax advisor.

The private cellular device reimbursement authorization form must be filled out and approved by the Department Head and the Human Resources Director before any reimbursement will be issued.

Termination of Use or Stipend

City owned cellular devices and City partially funded private device use will be periodically reviewed by the Department. At such time the City deems it no longer beneficial to the City or a replacement communication device is deemed more appropriate, the stipend or City owned device will be discontinued.

Upon termination of or discharge from employment the employee must immediately return the city owned cellular device to his/her supervisor. Stipends will end upon termination of or discharge from employment.

Use of Private Device

Use of a private device while on work time is restricted to use for City business and for essential personal use only.

Employees that are assigned a cellular or wireless data device are not authorized for overtime compensation and should not use their device for business outside of normal working hours unless specifically authorized by the employee's supervisor.

Refer to Policy 8-2, "Personal Use of Phones at Work" and Policy 8-6 "Use of City Vehicles" for additional guidance.

Enforcement

Enforcement actions for violations of this policy include but are not limited to revocation of cellular device use or reimbursement and possible disciplinary action or discharge.

*Adopted: 03/01/2010
Rev: 10/15*

8-4: Political Activity

Employees shall not engage in any form of political activity during working hours. Political activity shall not interfere with or impair an employee's work performance. This includes the use of City property including e-mail for distribution of political/campaign materials.

Political affiliation will not impact employees' rights as contained in these policies.

If an employee is elected or appointed to a City of Helena public office, e.g. Mayor, City Commissioner or City Judge, the employee must resign from his or her current position prior to taking office. This does not apply to appointed non-paid advisory, Committees or Commissions, as long as there is no conflict of interest.

According to state law, §7-32-4114 (1), MCA, "a member of the police force may not hold any other office or be employed in any other department of the city or town government."

*Adopted: 2/9/87
Rev: 6/88, 8/94, 3/04, 4/08, 5/10, 5/12*

8-5: Outside Employment

This section covers regular full-time and regular part-time employees.

The City of Helena recognizes that some employees may need or want to hold additional jobs outside their employment with the City. Employees of the city are permitted to engage in outside work or hold other jobs, subject to certain restrictions based on reasonable business concerns. For purposes of this policy, self-employment is considered outside employment. If an employee's outside employment creates a conflict of interest, the employee may be asked to make the choice between the two positions. This policy outlines procedures for employees and supervisors in dealing with outside employment.

Employees who wish to work at jobs outside the City must submit a request for outside employment form to their supervisor. The form contains the following information:

1. Name, address and phone number of other employer.
2. Proposed hours to be worked.
3. Description of the work.

Such employment must be approved by the employee's supervisor, department head, the Human Resources Director and the City Manager. The statement will be filed in the employee's personnel file.

The City applies this policy consistently to all employees, and in compliance with all applicable employment and labor laws and regulations. The following rules for outside employment apply to all employees notifying their supervisors or managers of their intent to engage in outside employment.

1. Work-related activities and conduct away from the City must not compete with, conflict with or compromise the City's interests or adversely affect job performance and the ability to fulfill all responsibilities to the City. Employees are prohibited from performing any services for citizens of Helena that are normally performed by the City. This prohibition also extends to the unauthorized use of any City tools, equipment facilities and the unauthorized use or application of any confidential information. In addition, employees may not solicit or conduct any outside business during work time for the City.
2. City of Helena employees must carefully consider the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems at the City, the employee will be asked to discontinue the outside employment, and the employee may be subject to the normal disciplinary procedures for dealing with the resulting job-related problem(s).
3. In evaluating the effect that outside work may have on an employee's job performance and other job-related responsibilities, department heads and the Human Resource Department will consider whether the proposed employment:
 - May reduce the employee's efficiency in working for the City.
 - May adversely affect the City's image.
4. Employees who have accepted outside employment may not use City paid sick leave to perform work on the outside job.
5. Fraudulent use of sick leave or an employee's refusal to discontinue outside employment after being requested to do so by his or her department head or the Human Resource Department will result in disciplinary action up to and including termination of employment.

Apparel bearing the City's identification must not be worn while engaging in outside employment activities.

Adopted: 2/9/87

Rev: 6/89, 8/94, 3/04, 11/06, 4/08, 7/11, 10/15

8-6: Use of City Vehicles

Employees using City-owned vehicles are expected to use the same care, or better, than they would in taking care of their own vehicles. This includes following all traffic regulations and courtesies of the road.

City employees are expected to set an example of good driving practices for all other citizens.

1. Employees are prohibited from keeping a City vehicle at their private residence under normal circumstances. The City Manager has designated certain positions, which as a part of the job, must have a City-owned vehicle available at all times in case of emergency. The City Manager may, at times, approve other employees to keep City vehicles at their residence. Employees with such assigned vehicles (K-9 Police Officers excepted) will be required to report all personal mileage (commuting to and from work, personal errands, etc.) at the end of each year to the Human Resources Office. Personal mileage will be reported as income as required by the IRS.
2. Employees are to use City-owned vehicles whenever possible when working. When it is necessary to travel for business or run business errands, they should use a vehicle which is assigned to their department or a car-pool vehicle.
3. Care of City-owned vehicle: Follow the maintenance schedule of the department. Practice the rules of the road and established safety practices at all times. Any abuse of a City-owned vehicle when in the employee's possession may result in disciplinary action.
4. All City employees are required to secure seat belts while driving or riding in City-owned vehicles.

5. Using a City-owned vehicle for personal convenience is prohibited and will result in disciplinary action.
6. Employees who operate City vehicles are prohibited from using cell phones while driving, whether for personal or business use, unless a hands-free device is being utilized.
7. Employees driving a City-owned vehicle or driving a personal vehicle for City business are personally responsible for moving and parking violations. There are no circumstances under which the City will pay for such violations.
8. An employee involved in an accident while driving a motor vehicle on city business, whether city-owned or privately owned vehicle, shall report the accident immediately to the Helena Police Department and to the employee's supervisor immediately, if possible, but no later than the next working day. Supervisors are to notify Human Resources as soon as they are made aware of the accident.

Adopted: 2/9/87

Rev: 6/88, 8/94, 8/98, 3/04, 4/08, 5/10, 5/12

8-7: Employee Contracts with the City

Employees must not have an interest in any contracts made by them in their official capacity in accordance with §2-2-201, MCA.

A former employee may not, within 6 months following the termination of employment, contract or be employed by an employer who contracts with the City involving matters with which the former employee was directly involved during employment.

"Contract" does not include:

- contracts awarded based on competitive procurement procedures conducted after the date of employment termination;
- merchandise sold to the highest bidder at public auctions;
- investments or deposits in financial institutions that are in the business of loaning or receiving money;
- a contract with an interested party if, because of geographic restrictions, a local government could not otherwise reasonably afford itself of the subject of the contract. It is presumed that a local government could not otherwise reasonably afford itself of the subject of a contract if the additional cost to the local government is greater than 10% of a contract with an interested party or if the contract is for services that must be performed within a limited time period and no other contractor can provide those services within that time period.

"Directly involved" means the person directly monitors a contract, extends or amends a contract, audits a contractor, is responsible for conducting the procurement or for evaluating proposals or vendor responsibility, or renders legal advice concerning the contract;

Former employee does not include a person whose employment with the city was involuntarily terminated because of a RIF or other involuntary termination not involving violation of the provisions of this chapter.

Adopted: 2/9/87

Rev: 6/88, 8/94, 5/12

8-8: Drug and Alcohol Free Work Place

It is the policy of the City of Helena to provide a drug and alcohol free work place for all employees. It is also a policy of the City of Helena that any individual who is a grantee must certify that his or her conduct of grant activity will be drug-free. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace, including City-owned property and vehicles, is prohibited. The unlawful buying, selling, bartering, exchanging, giving away, or offering to buy, sell, barter, exchange, or give away of any dangerous drug in the workplace by any employee is also prohibited. All consumption of alcohol while performing job functions or in a pay status is strictly forbidden, including paid training or while in control of a City owned or leased vehicle.

The City of Helena will not make accommodations for the use of medical marijuana (§50-46-320(4)(5), MCA). Employees are subject to discipline or discharge for impairment due to the use of medical marijuana.

Drug and alcohol counseling and rehabilitation for employees is available through the City's Employee Assistance Program. See Policy 2-3.

Penalties that the City may impose on employees for drug and alcohol abuse violations occurring in the work place include:

- Required participation in an "approved" drug/alcohol abuse assistance or rehabilitation program
- Suspension without pay
- Discharge
- Criminal investigation

As a condition of employment, employees will notify the supervisor or HR office of any criminal drug or alcohol statute charges for a violation no later than 5 days after such charge.

City employees, whose positions require possession of a Commercial Drivers License, are required to abide by rules set forth by the US Department of Transportation. These rules have been incorporated into the "City of Helena FTA & FMCSA Drug and Alcohol Policy". All applicable employees will be provided a copy of the policy and required to attend training on the policy.

Employees of the Helena Police Department are required to abide by the rules within the "Helena Police Department Drug & Alcohol Testing Policy and Procedures".

Employees not directly covered by either of the two aforementioned policies are subject to testing based on §39-2-208, MCA. Testing procedures and discipline for non-covered employees will be the same as covered employees as outlined in the City of Helena's FTA & FMCSA Drug & Alcohol Policy.

The temporary removal of an employee from their position required under either of the two aforementioned policies is not considered an "adverse action" under Policy 9-1.

Adopted: 2/9/87

Rev: 6/88, 8/94, 2/97, 3/04, 5/10, 7/11, 10/15

8-9: Employee Purchasing and Personal use of City Tools and Equipment

Employee Personal Purchases on City Accounts

It is the policy of the City that employees shall not use their employment status with the City to receive the City discount unless the program has been approved by the department director or Human Resources Director and the City Manager is made aware. In addition, it is especially important that the City never be billed for purchases of personal items.

Personal Use of City Tools and Equipment

It is the policy of the City that City-owned tools and/or equipment shall not be removed from City premises for personal use by its employees.

Adopted: 2/9/87

Rev: 8/94, 5/10, 10/15

8-10: Workplace Violence

The City of Helena is committed to providing friendly, courteous and impartial services to its citizens. The City acknowledges that human relationships are subject to conflict and that some employees may be exposed to violence by the nature of their jobs. The City is committed to maintaining a safe, healthful and efficient work environment in which acts of violence by employees or citizens will not be tolerated. Workplace violence is defined as the act of creating an environment in which individuals feel threatened or intimidated. Violence can include physical force, harassment, intimidation or the abuse of power or authority.

The City will strive to provide a safe and secure work environment. Employees should avoid or minimize potentially violent situations to protect oneself from harm. If an employee anticipates a particularly confrontational situation, the supervisor should be notified so that additional security can be arranged. When a situation begins amenable but turns hostile, try to de escalate the situation. If de escalation tactics

don't work, withdraw from the situation. Do not use force unless it is absolutely necessary to physically defend yourself.

Threats or acts of violence experienced or witnessed should be reported to your supervisor, department head and/or the Human Resources Director as soon as possible. The City will promptly investigate any complaint received that pertains to workplace violence. The investigation process will include appropriate avenues for due process such that a thorough understanding of the situation can be obtained. The City will take appropriate, prompt actions against any employee who engages in any threatening or intimidating behavior or acts of violence or who uses any obscene, abusive, or threatening language or gestures.

This policy prohibits employees, with the exception of sworn Law Enforcement/Animal Control Officers, from bringing firearms or other weapons, required in their duties, (including pepper spray, stun guns, batons, etc.) into work areas. Employees are also prohibited from carrying firearms or other weapons in City vehicles or in personal vehicles if completing City business.

If a City employee has violated this policy, such action may warrant disciplinary action or discharge. If necessary or appropriate, the City will notify police or other law enforcement personnel and prosecute violators of this policy to the maximum extent of the law.

Be advised that the City of Helena has an employee assistance program (EAP) available. The EAP service is provided through an independent third party and consists of counseling, free of charge, to assist with any employee's various personal and professional issues. If you, or someone in your family, are being subjected to domestic violence, you are encouraged to seek assistance through the City's EAP services and/or proper law enforcement agencies. If you fear the domestic violence could result in workplace violence, please notify the Human Resources Director immediately so appropriate security measures can be arranged.

*Adopted: 2/9/87
Rev. 3/04, 11/06*

8-11: Information Technology Policies

Each user is responsible for having knowledge of the Information Technology policies concerning proper use, security and care for their computer. It is the responsibility of the Information Technology and Services Department to educate management and staff about these policies; to educate its employees about the dangers of computer abuse and its threat to the operation of the IT enterprise; and educate its management and staff about proper ethical behavior, acceptable computing practices, and copyright and licensing issues.

To this end every current employee and every newly hired employee of the City will attend specific training in Group Wise (email) and IT Policies as soon as practical after their hire date. They will receive additional training whenever IT Policies are updated.

*Adopted: 3/1/04
Rev: 5/12, 10/15*

9. Discipline and Grievance

9-1: Guidelines for Disciplinary Action

All regular City employees are covered by this section.

For the purpose of this section, the definition of a supervisor is anyone who has control over the movement of an employee, i.e. conducts performance evaluation, recommends hiring, discharge, promotion, etc.

None of the disciplinary actions within this policy will be placed in an employee's personnel file without the employee receiving a copy first.

The supervisor will make a written memo or report of the facts leading up to discipline. A copy of this memo or report will be read and signed by the employee, indicating receipt of the report and placed in the employee's personnel file.

The orderly and efficient operation of the City requires that employees maintain discipline and proper personal standards of conduct at all times. City employees who fail to perform their jobs in a satisfactory manner or whose behavior interferes with or disrupts department operations may be subject to disciplinary action up to and including discharge. Appropriate disciplinary action may involve progressive disciplinary measures; or may result in immediate discharge. Different disciplinary procedures can be followed by supervisors as described below. The procedure utilized will be determined based on the City's evaluation of all circumstances involved.

Verbal Counseling

Supervisors have the authority to issue verbal counseling for violation of City or department policies or for improper conduct. These should be documented in the employee's personnel file in the Human Resources Office. Documented verbal counseling may be removed from the employee's official personnel file at the request of the employee and their supervisor's concurrence after (1) one year of no documented deficiency. However, if an employee has further documented disciplinary deficiencies, the initial verbal counseling will remain in the personnel file until related, more recent warnings have remained for their required time and are removed. A verbal counseling would normally be given for a first offense violation or a minor infraction of the rules.

Written Warnings

Supervisors have the authority to issue written warnings to employees who violate City policies, exhibit poor work performance, for improper conduct or for other issues where just cause exists. These warnings must be signed and placed in the employee's personnel file in the Human Resources Office. The employee may request that these documented written warnings be removed from their official personnel file after (3) three years of no further documented deficiencies. The request for removal must be made in writing to the department head who will then require approval from the Human Resources Director and City Manager prior to removal.

Written warnings may be removed before the three year period is complete by agreement between the department head, Human Resources Director and City Manager.

Adverse Actions: Administrative Leave (with or without pay), Suspensions (with or without pay), Discharges and Demotions

The City Manager has sole responsibility to authorize penalties affecting an employee's work hours, pay or employment status. Such penalties are imposed for serious offenses.

A department head shall initiate an adverse action for an employee and submit the proposed action to the City Manager in writing for approval via the Human Resources Director. As a minimum the document will include the following:

- A. Name of employee
- B. Date of violation(s)

C. Details of violation(s)

D. Proposed penalty

In no case will any adverse action be imposed by a department head or supervisor without approval by the City Manager. The temporary removal of an employee from their position required under the City's Substance Abuse Policy and the DOT regulations is not considered an "adverse action" under this section.

The Human Resources Director and the City Manager will be notified of any impending adverse actions as soon as possible. The Human Resources Director is available to assist supervisors and department heads with disciplinary procedures and documentation.

It is the policy of the City of Helena to place employees on leave during investigations of certain actions or activities, including but not limited to harassment, theft or misappropriation of company funds or property, workplace violence or other conduct which warrants removing the employee from the work environment. If deemed necessary by the City Manager or his/her designee, an employee may be immediately placed on administrative leave with pay, during the investigatory stage.

The Department Director or designee will inform the employee that he or she is being placed on administrative leave with pay and that an investigation will be conducted. The employee will be told the reason for the leave and may be asked to surrender company property (keys, files, equipment, tools, etc.). The employee may be escorted from the work site.

When an employee is placed on administrative leave, the leave will be confirmed in writing no later than five (5) working days after leave commences. The confirmation will state the reason for the leave and the expected duration, and will inform the employee that he or she should be available to participate in the investigation. A copy of the letter should be placed in the employee's personnel file. When the investigation is concluded, the employee will be informed of the return date and whether the leave will be paid or unpaid.

Once an investigation has been completed, the department head through the Human Resources Director may recommend placing the employee on administrative leave without pay. The City Manager or his/her designee is the only person that may authorize this action. The employee will be notified immediately in writing that they are being placed on administrative leave without pay.

Upon the receipt of the request for Adverse Action from the department head the employee will be advised of the recommendation and given an opportunity to respond to the City Manager before the final decision is made. The employee must contact the City Manager's office to schedule an appointment within 48 hours of notification. If the employee does not contact the City Manager's office within the time frame, the City Manager will meet with the Human Resources Director, department head and supervisor to make a determination.

If the employee requests a meeting with the City Manager under this step, the Human Resources Director, department head or designee, and supervisor will be present at the meeting. The City Manager will issue a decision within five (5) working days unless additional information is required after the meeting.

When the City Manager decides to impose a penalty of administrative leave or suspension or disciplinary demotion, the employee will be notified in writing. This notification and disciplinary action will be placed in the employee's official personnel file. The employee may request that the documentation of administrative leave or suspension be removed from their personnel file after (5) five years of no further documented deficiencies. The request for removal must be made to the department head in writing who will then require approval from the Human Resources Director and City Manager prior to removal.

These disciplinary warnings may be removed before the five year period is complete by agreement between the department head, Human Resources Director and City Manager.

In the case of an adverse action, an employee may request a hearing before the Civil Service Board. This request must be made in writing to the City Manager within 72 hours of the aggrieved action. Discharges occurring within the probationary period are not subject to appeal to the Civil Service Commission (§39-2-904, MCA)

Upon receipt of the written request, the City Manager will call for a meeting of the Civil Service Board (CSC) to be scheduled as soon as practical.

Responsibilities

It is the responsibility of the Human Resource Office to remove documented warnings in accordance with the rules of each type of disciplinary action. The employee must initiate the request for removal of disciplinary actions in writing to his or her department head.

THE CITY RESERVES THE RIGHT TO IMPOSE THE APPROPRIATE PENALTY ON AN EMPLOYEE FOR A FIRST OFFENSE DEPENDING ON THE SEVERITY OF THE ACT. AN INDIVIDUAL COULD BE DISCHARGED WITHOUT BEING GIVEN AN ORAL OR A WRITTEN REPRIMAND FOR A FIRST OFFENSE.

Adopted: 2/9/87

Rev. 6/88, 8/94, 9/98, 3/04, 11/06, 4/08, 5/10, 5/12, 10/15

9-2: Grievance Procedures

This section covers regular full-time and regular part-time employees. Employees are allowed to use the grievance procedure without penalty, harassment or retaliation for doing so. Each grievance will be fully processed until the employee receives a satisfactory decision/explanation or until the employee's right of appeal is exhausted.

Employees covered by a Collective Bargaining Agreement must utilize the grievance procedure contained in their agreement. If the subject of the grievance is not covered in their agreement they may then utilize this procedure.

Employees should attempt to resolve all disputes at the lowest possible level. Employees are encouraged to discuss disputes with their supervisors informally and in a timely fashion. The Human Resources Director or designee may attend meetings between the supervisor and employee if necessary. In the event a dispute cannot be resolved informally, the employee may file a grievance, in writing and containing the information listed below. Upon receipt of the written grievance, the supervisor and/or their designee will investigate the dispute and respond to the grievance within the required time frames.

Definition

A grievance is defined as any employee complaint, view or opinion pertaining to employment conditions. Complaints concerning discrimination are not covered in this section. See Policy 1-3.

A grievance shall not be valid for consideration unless the initial grievance is submitted, as outlined below, within 30 calendar days after the individual discovers, or through the use of reasonable diligence should have discovered, that a grievance has occurred. Failure to file a grievance within the prescribed period shall constitute a waiver of the individual's right to pursue the matter. Grievances involving "adverse actions" shall be filed directly with the City Manager and within the time frame listed in Policy 9-1.

Procedure

An employee may grieve any matter through Level Three as described below. All grievances will be in writing and contain the following: the name of the aggrieved employee; date the grievance occurred; the nature of the grievance (facts); policy violated; and the requested remedy.

Level One: Immediate supervisor

Any grievance shall be taken up with the employee's immediate supervisor within fifteen (15) working days of the grievable action by submitting a written grievance notifying the immediate supervisor of the nature of the grievance, the policy allegedly violated and the requested remedy. The immediate supervisor will then have ten (10) working days from the receipt of the grievance to schedule a meeting to discuss and attempt resolution of the grievance and/or provide a written response to the grievance. If the answer is not acceptable proceed to Level Two.

Level Two: Department Head or Human Resources Director

Must be presented within ten (10) working days of response in Level One. Department Head or Human Resources Director to respond within ten (10) working days. If the answer is not acceptable proceed to Level Three.

Level Three: City Manager

Must be presented within ten (10) working days of response in Level Two. City Manager to respond within fifteen (15) working days. The City Manager's answer is final unless the grievance involves an "adverse action" (See Policy 9-1)

Level Four: If the grievance involves an adverse action as described in Policy 9-1 the employee may proceed to the Civil Service Commission. To proceed to this step, the employee must request in writing to the City Manager within 72 hours of the Level Three decision his/her request to appeal to the Civil Service Commission.

Any change in the noted time lines must be mutually agreed to in writing.

Employees may designate any person to appear with him/her at any level of the grievance procedure. The City Manager may require the supervisor, Department Head or Human Resources Director to appear with the employee at the time of a hearing.

Information concerning employee grievances is confidential information and is to be discussed only with individuals involved in the investigation or on a need-to-know basis. Management decisions on grievances will not set precedent and are at the discretion of the City Manager and/or their designee so long as it does not violate any laws, regulations or policies set forth in this manual. Management decisions are not binding on future grievances unless they are officially stated as a policy.

Discharged or employees being discharged shall receive a copy of these Grievance Procedure Policies or a copy of their Collective Bargaining Agreement Grievance Procedures advising the employee of their right to use the procedures and to have the discharge reviewed in the appropriate venue.

Employee Grievance Committee

The Civil Service Board shall serve as the Employee Grievance Committee. Employees are required to present complaints to the Board in writing. The written complaint shall include the relief sought and facts of the case. Employees may produce witnesses to support their position.

The Employee Grievance Board shall meet as soon as practical after receiving the employee's written complaint. Decisions by the Board are final.

The Board has the power to subpoena and require the attendance of witnesses and records pertinent to the investigation.

Adopted: 2/9/87

Rev: 6/88, 8/94, 2/97, 4/01, 3/04, 10/05, 4/08, 5/12, 10/15

9-3: Discharge

Discharge is an action by the employer ending the employment relationship because of an end to the need; a serious violation of law, policy or directive; or when discipline has not worked. Covers regular employees only.

An employee who has been notified of his/her discharge will be given a letter of cause from the City Manager stating the effective date of discharge. The employee will receive this letter prior to leaving City employment. (Also see Policy 9-1 and 9-2)

Final payment will be made in accordance with Policy 4-4.

All actions will be in accordance with state laws and regulations.

Adopted: 2/9/87

Rev. 6/88, 8/94, 3/04, 5/12, 10/15, 3/16

10. General

10-1: Travel Regulations

This section outlines regulations for paying the expenses of employees who are required to travel on City business.

Approval for Travel

All employees traveling on City business must fill out a “Request for Travel and/or Training” form if reimbursement is required for the travel. In-state travel must be approved by the department head prior to leaving. Employees traveling on City business out of state must have travel approved by both the department head and City Manager prior to leaving. All department head travel, both in and out-of state must be approved by the City Manager. The request will include the estimated number of hours spent in training as well as the estimated number of hours spent in a travel status.

Employees traveling on City business not requiring a reimbursement are not required to complete the “Request for Travel and/or Training” form but must notify their supervisor of the travel.

The supervisor and the employee will agree on the number of compensable hours prior to the employee receiving authorization to travel. Examples of compensable travel are located on the back of the “Request for Travel and/or Training” form. Clarification may be obtained from the Human Resources office.

Supervisors will make every attempt to schedule travel and training time during the employees normally scheduled hours. If an employee must travel or attend training outside of his/her normal schedule, the work week may be adjusted.

Payment for Travel Expenses

In general, time spent in a travel status is considered work time for wage payment purposes. Time spent in travel to special events, such as training or conferences, whether for a day, or for periods of overnight duration, is also work time.

Normal home to work travel is not considered travel time and will not be compensated. This includes the employee returning to work for after hour meetings.

A copy of the approved request form must be attached to the timesheet for the pay period in which the travel occurred.

Approved claims for reimbursement of travel expenses will be submitted to the Finance Department. Expenses incurred by the employee will be reimbursed immediately upon approval and processing of the claim.

Lodging, airfare and miscellaneous expense receipts are required to be attached to the claim before reimbursement will be paid. Receipts for meals are not required.

Reimbursable Expenses

- One-day travel expenses:
Travel and return in the same day: Mileage if personal vehicle is used. Expense for meals if the criteria under meals is met.
- Multiple-day travel expenses:
Mileage, meals, actual lodging costs (for employee only), airfare, tips and taxi or other transportation. Any miscellaneous expense related to work or business travel. Limited phone calls to the traveling employee’s residence will be covered.
- Registration or tuition fees.
- Long distance phone calls related to City business while in travel status.
- Hotel accommodations shall be reasonable and shall be reimbursed at actual and necessary cost. Accommodations should be near the location of the conference or business meeting.

Meals

IN-STATE TRAVEL

A per diem rate not to exceed \$30.00 per day will be allowed for meals for employees who travel on City business within the State of Montana. This includes an allowance of 15% for gratuity. Reimbursement will be made without providing receipts.

If meals are included in tuition or registration fees, reimbursement will be reduced according to the following schedule. Claims for meals when employees are in travel status for fractions of days or a single full day will be made in accordance with the following schedule for individual meals.

MAXIMUM REIMBURSEMENT FOR MEALS (IN-STATE TRAVEL)

Breakfast	6.00
Lunch	7.50
Dinner	16.50

Eligibility for reimbursement for individual meals during travel will be as follows:

Breakfast: Employee must be in travel status at least two (2) hours before start of scheduled workday.

Dinner: Employee must be in travel status at least one (1) hour after end of scheduled workday.

NOTE: Lunch costs, while attending approved meetings or conferences within the city of Helena will generally be at the employees' expense. The following is an exception: 1) Luncheon meetings which involve speakers and/or are scheduled through lunch and for which a charge is made.

OUT-OF-STATE TRAVEL

A per diem rate not to exceed \$42.00 per day will be allowed for meals for employees who travel on City business outside of the state of Montana. This includes an allowance of 15% for gratuity. Reimbursement will be made without receipts.

If meals are included in tuition or registration fees, reimbursement will be reduced according to the following schedule. Claims for meals when employees are in travel status for fractions of days will be made in accordance with the following schedule for individual meals.

MAXIMUM REIMBURSEMENT FOR MEALS (OUT-OF-STATE TRAVEL)

Breakfast	10.00
Lunch	12.00
Dinner	20.00

Mileage when using Personal Vehicle on City Business

When an employee is authorized to use a privately-owned vehicle because a City-owned vehicle is not available or because such use is in the best interest of the City, a rate equal to the current business mileage allotment allowed by the United States Internal Revenue Service shall be paid.

When an employee is authorized to operate a privately-owned vehicle even though a City-owned or leased vehicle is available, the employee will be provided a gas credit card to supply the fuel necessary for the required mileage or be reimbursed for fuel costs. No other reimbursement will be allowed.

On long (extended mileage) trips, when an employee requests, and is authorized, to use a privately owned vehicle, they will be reimbursed an amount equal to the lesser of mileage/fuel costs (as stated in either 1 or 2 above) or the airfare costs to and from the destination.

Advance Payments

Requests for advance payment of hotel, airfare, and/or conference fees may be made prior to the travel through the Administrative Services Office. Advance payments will be issued to the hotel, airline, and/or conference directly either by check or by using the City credit card.

Travel Advances

To offset undue financial hardship on an employee traveling for City business, travel advances of \$50.00 or more may be requested. Travel advances will be allowed within 30 days of travel for personal vehicle mileage and meals not included in tuition or registration fees for overnight travel. An employee must complete a Request for Training and Travel form noting an advance is requested.

The form must be approved by the Supervisor and Department Head and a claim submitted to the Administrative Services at least one week prior to the advance being required.

Personal vehicle mileage reimbursement will be based on map mileage at the current IRS business reimbursement rate. Meals not included in tuition or registration fees for overnight travel may be requested using the limits outlined in this policy.

If an employee receives a travel advance and the travel is cancelled, the employee must immediately return the advance to the Administrative Services office.

Adopted: 2/9/87

Rev: 6/88, 8/94, 4/01, 3/04, 11/06, 4/08, 3/10, 11/10, 10/15, 11/16

10-2: Lawsuits Against the City

The City Clerk or acting City Clerk is the only authorized employees to accept any legal process served against the City. If an employee is approached by a process server, the employee should direct the server to the City Clerk without accepting or signing anything.

An employee should not discuss any aspect of a situation that is subject to a lawsuit or hearing without first consulting the City Attorney and his/her supervisor.

Adopted: 2/9/87

Rev: 6/88, 8/94

10-3: City Employee Testimony

Any City employee that is asked to give testimony or evidence in any case, whether in trial, depositions or answers to written questions by attorneys, on matters occurring during the employee's work time or within the scope of his/her work duties, is required to notify their supervisor and the City Attorney's Office prior to giving any testimony or evidence.

If the employee is unsure of what the case involves, contact the City Attorney's Office for guidance.

Adopted: 5/1/10

Rev:

10-4: Breastfeeding Policy

Women returning from maternity leave who wish to continue breastfeeding or separate expression of milk for their child(ren) will be provided a private space (other than a toilet stall) with suitable lighting and electricity if necessary for pumping apparatus. The selection of the space will be made on a case-by-case basis in consultation with the employee.

Standard break times will be primarily utilized with additional time provided as needed. Breastfeeding time exceeding the city's standard break duration and frequency is unpaid. The employee may use annual leave or compensatory time for this purpose if necessary.

Additionally, the City will make every effort to provide suitable facilities for milk storage during the employees daily work period. All requirements listed in §39-2-215, 39-2-216 and 39-2-217, MCA, whether or not specifically listed here, will be complied with.

Adopted: 8/1/07

Rev: 5/10, 7/11, 10/15

10-5: Smoking Policy

This policy is established out of concern for nonsmokers, as well as smokers. Evidence shows that nonsmokers are incurring health risks because of the actions of others. In addition, smokers are increasing their chance of early death due to heart disease and cancer. Established per §50-40-104 and §50-40-201, MCA.

DESIGNATED NONSMOKING/SMOKING AREAS

- A. All City facilities will be designated NON-SMOKING.
- B. Smoking in City-owned vehicles is prohibited.
- C. Smoking by employees will be prohibited while conducting business or making personal contacts with public in the course of their duties in homes, offices, place of business or on the street.
- D. Smoking is prohibited by employees when evacuating a building in any alarm situation as well as at the designated meeting areas during such evacuations.
- E. Designated smoking areas may be defined by the department head and approved by the City Manager for each facility. At a minimum, smoking by a public entrance is prohibited.
- F. Enforcement of this policy will be the responsibility of department heads and/or supervisors.
- G. Employees who smoke are not allowed a greater number of breaks than are listed in the Scheduling Hours of Work Policy (4-1).

Adopted: 2/9/87

Rev: 6/88, 8/94, 2/97, 3/04, 4/08, 7/11, 10/15

10-6: Union Contracts

For employees governed by a union contract, the contract is the determining policy for all areas specifically addressed by the contract. Where the contract is silent, the Personnel Policies of the City of Helena apply.

Adopted: 2/9/87

Rev: 6/88, 8/94

11. Safety and Workers Compensation

11-1: Safety Program

It is the policy of the City to provide and maintain safe and healthful working conditions, routine safety training and education and to follow practices that will safeguard all employees and result in safe working conditions and efficient operation.

When a person enters the employ of the City, they have a right to expect that they will be provided with a proper place in which to work and proper equipment with which to do their job, so that they will be able to devote their energies to doing their work without danger to their life and health. It is the City's desire to provide a safe place to work and safe equipment to use as well as to establish and insist upon safe methods and practices at all times.

New employees, as part of their orientation, will receive safety training specific to the equipment and tasks required of their position. All employees are required to have a minimum of two safety related trainings per performance review year. These trainings will be recorded in the employee database by a Human Resource Department staff upon receipt from employee or supervisor of their attendance.

Safe practices, on the part of City employees, must be part of all operations. This responsibility is required of each official and employee who conducts the affairs of the City, no matter in what capacity they may serve. The idea of job production and safety must be inseparable.

Employee cooperation regarding safety matters will be considered a condition of employment. The supervisor is responsible for the safety and wellbeing of their staff in the workplace. This responsibility can be met only by working continuously to promote safe working practices among all employees and to maintain property and equipment in safe operating condition.

See separate City of Helena Safety Policy.

Adopted: 2/9/87

Rev. 6/88, 8/94, 2/98, 3/04, 10/05, 10/15

11-2: Payment of Insurance Premiums while on Workers Compensation

It is the policy of the City of Helena to continue to pay its monthly medical, dental and vision insurance premium contribution while an employee is out on workers' compensation, as long as the employee is in employment status. Normally employees' positions are held for a period not to exceed six (6) months, unless an exception has been granted by the City Manager. Leaves of absence taken in connection with a worker's compensation injury or illness will run concurrently with any FMLA leave entitlement.

An employee may request an extension beyond the six (6) month limit by submitting a written request to the City Manager at least 15 calendar days prior to the expiration date. The written request should state the reason for the extension and contain all pertinent medical information necessary for the City Manager to make an informed decision as to whether or not to extend the leave.

Adopted: 2/9/87

Rev: 6/88, 8/94, 3/04, 7/11, 2/16

11-3: Re-employment after Release from Duty

Under section 39-71-317, MCA, employees released from duty due to incapacity resulting from injury recognized by workers' compensation for benefits have preference for two (2) years from the date of injury in filling comparable open positions for which they are qualified and medically released to perform.

Adopted: 05/01/10

Rev:

11-4: Light Duty

If available, Light Duty will be provided to employees recovering from a medically documented mental or physical illness or injury sustained on- or off-the-job who have work restrictions and who are expected to return to unrestricted work within a period not to exceed six (6) months, unless an exception has been granted by the City Manager.

Assignment of Light Duty is not a right of employment. It is allowed only with the approval of the Department Head and City Manager, and as long as necessary and meaningful work is performed and available. In assigning Light Duty, the employee's skills and abilities will be taken into consideration along with the recommendations from the employee's attending physician. All requests for Light Duty by an employee must have a release from a physician, specifying their work restrictions and expected duration of the restrictions. Light Duty will be approved and monitored in no more than 30-day increments by the Department Head with final approval required by the City Manager.

If there is limited Light Duty work available, preference will be given to the employee whose work restrictions are due to a recorded on-the-job injury and/or employees with permanent or substantially limiting work restrictions who have requested a reasonable accommodation under the Americans with Disabilities Act (ADA). Employees returning to work on Light Duty due to an on-the-job injury may be assigned Light Duty in another City department. The employee's original department is responsible for arranging the Light Duty assignments, but may confer with the Human Resource Department.

While on Light Duty, any related medical should be scheduled outside of or at the beginning or end of the employee's shift to minimize their time away from work, if at all possible.

Adopted: 02/16/16
Rev: